S. HRG. 99-251

LABOR VIOLENCE

HEARINGS

BEFORE THE

COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

ADDRESSING THE ISSUE OF VIOLENCE AGAINST EMPLOYERS, EMPLOYEES, UNION MEMBERS, INDEPENDENT CONTRACTORS, AND THE GENERAL PUBLIC DURING LABOR DISPUTES

FEBRUARY 27 AND MARCH 26, 1985

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CONTENTS

STATEMENTS

WEDNESDAY, FEBRUARY 27, 1985

	Page
Badalich, James Joseph, employee of Portland Cement Co	227
Beck, David, president, local 438, Cement, Lime, & Gypsum Workers, Division of Beilermakers' Union, prepared statement	38
Denton, Hon. Jeremiah, a U.S. Senator from the State of Alabama, prepared statement	6
Hawkins, Hon. Paula, a U.S. Senator from the State of Florida, prepared statement	13
Hutchins, Kenneth, employee of Missouri Portland Cement Co	213
Jackson, Joe, former Illinois State's attorney	258
Lang, David, Esq., partner, law firm of McGlinchey, Stafford, Mintz, Cellini, & Lang, New Orleans, prepared statement	25
McIntyre, Jerry L., vice president for operations, Missouri Portland Cement Co., accompanied by David A. Lang, Esq., attorney, McGlinchey, Stafford, Mintz, Cellini & Lang; Mike G. Mitchell, Esq., counsel for Missouri Portland, and Mel G. Brekhus, plant manager	14
Miller, Gary W., former employee of Security Resources, Inc	200
Niepert, Capt. Raymond C., district commander, division of State police, Springfield, IL, prepared statement	274
Pugh, Ted, president, Security Resources, Inc	191
Smith, Gordon and Kana, resident of Metropolis, IL	231
Simon, Hon. Paul, a U.S. Senator from the State of Illinois, prepared statement	10
Sullivan, Delbert, terminal manager, Commercial Transport, Inc	202
Thurmond, Hon. Strom, a U.S. Senator from the State of South Carolina, prepared statement	4

TUESDAY, MARCH 26, 1985

Anderson, James H., member of local 438, United Cement, Lime, Gypsum & Allied Workers	472
Beck, David, president, local 438, Cement Lime, Gypsum & Allied Workers Division, Brotherhood of Boilermakers, accompanied by J.F. Souders, Esq., attorney from St. Louis, MO	310
Cardosi, Paula J., forensic scientist, prepared statement	366
Clayton, Gary L., director, Department of Education and Registration, Chicago, IL, prepared statement	372
Grassley, Hon. Charles E., a U.S. Senator from the State of Iowa, prepared statement	304
King, Robert, member of local 438, United Cement, Lime, Gypsum & Allied Workers	468
Kennedy, Hon. Edward M., a U.S. Senator from the State of Massachusetts	282
McIntyre, J. L., vice president operations, Missouri Portland Cement Co., prepared statement (with enclosure)	482
Miller, Bruce A., prepared statement	325
Nargelenas, Laimutis A., superintendent, Illinois State Police, accompanied by Lt. John Richter, operations officer, District 13, Illinois State Police	441
Prepared statement	443
Additional statement	462
Peterson, Gregg, former security guard of Missouri-Portland Cement Co	474
Simon, Hon. Paul, a U.S. Senator from the State of Illinois	283

ADDITIONAL MATERIAL

Communications to:
Souder, J. F., attorney at law, from:
Solien, Joseph H., regional director, National Labor Relations Board, St. Louis, MO, October 10, 1984 ..... Page 343
Collyer, Rosemary M., General Counsel, National Labor Relations, February 14, 1985 347
Exhibits:
McIntyre exhibits:
Nos. 1 through 6 47
No. 7 75
Nos. 8 through 15 89
No. 16 112
Nos. 17 through 26 115
No. 27 141
No. 28 143
No. 29 151
No. 30 154
No. 36 160
No. 37 167
No. 38 172
Nos. 39–40 175
Hutchins exhibit:
No. 1 216
Smith exhibit:
No. 1 234
Jackson exhibit:
No. 1 269
Senator Hatch exhibits:
No. 1 352
No. 2 364
No. 3 378
No. 4 385
No. 5 418
Nos. 6–7 422
No. 8 426
No. 9 428
No. 10 432
No. 11 455
Questions and answers:
Responses of Missouri Portland Cement Co., to questions submitted by Senator Simon 284

LABOR VIOLENCE

WEDNESDAY, FEBRUARY 27, 1985

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 9:32 a.m., in room SD-430, Senator Orrin G. Hatch (chairman) presiding.

Present: Senators Hatch, Grassley, Pell, Metzenbaum, Dodd, and Simon.

OPENING STATEMENT OF SENATOR HATCH

The CHAIRMAN. Today the Committee on Labor and Human Resources will hold a hearing addressing the issue of violence against employers, employees, union members, independent contractors, and the general public during labor disputes.

Unfortunately, it seems that violence has become a common, almost accepted, component of strikes and other labor-management confrontations. During the last few years, there have been reports of violence involving labor disputes in Iowa, Alabama, Texas, Montana, Arizona, and Hawaii, to name but a few. According to an editorial in my own hometown newspaper, the Deseret News, on May 14, 1984, there has been an average of an incident of violence every working day against employers and individual workers since 1975.

Some would contend that given the emotionally charged nature of a strike, a certain amount of "animal exuberance" and minor property damage is to be expected and that the law should not be so vigorously enforced that it would curtail the right of employees to organize and strike. Others contend that one can only expect employers and security guards to react improperly at times when facing a constant barrage of threats, jeers, and attacks by striking union members.

Yet in this country, both employers and unions have a wide panoply of tactics which they can legally utilize during a strike or organizing drive. In a recent publication by the Bureau of National Affairs entitled "Unions Today: New Tactics Tackle To Tough Times," the list of tactics now being used by labor unions include ideas as varied as the use of outside media consultants, consumer boycotts, working with community groups, or blocking public subsidies for employers.

The same publication notes that employers are countering these initiatives with their own new tactics which include the use of quality worklife programs, better communications campaigns, and the use of pay for performance compensation schemes.

Given the variety and sophistication of both management and labor today, one would think that violence would have become obsolete, a deplorable tactic of a less civilized time. But violence has become such a traditional part of labor disputes that some observers contend that tradition now sanctions its use, and the common decision of law enforcement agencies to remain uninvolved has done little to curtail or prevent criminal acts by both unions and employers.

To better understand the nature of this violence, we need to address the following three questions. First, what types of criminal acts are occurring?

Second, why are our Federal, State, and local law enforcement agencies and their traditional counterparts unable to prevent or curb labor-related violence?

And, third, is there a need for legislation to complement the bill introduced by Senator Grassley to amend the Hobbs Act, S. 300, which would provide victims of violence with an effective means for redress?

In an attempt to answer these questions, we will be receiving testimony today concerning acts of violence stemming from a strike of the Missouri Portland Cement Co. facility in Joppa, IL, by the United Cement, Lime, Gypsum and Allied Workers, Local 438, a division of the International Brotherhood of Boilermakers.

We will hear testimony about shootings, beatings, property destruction, threats, assaults, and wanton disregard for human life. We will hear how a small town can be traumatized by violence during a strike and how the local judicial process can simply fall apart.

Our first witness will be Jerry L. McIntyre, vice president for operations at Missouri Portland, who will be accompanied by the company's attorney, David A. Lang.

They will be followed by two independent contractors, Theodore Pugh and Delbert Sullivan, and by a panel of employees and local citizens from the area.

Our final witness will be Joe Jackson, the former State prosecutor in the area.

Before beginning, I would like to note for the record that the first organization asked formally to testify today was the local union, Cement Workers Local 438. At the end of last week, I was asked by Senators Kennedy and Simon to provide another hearing date to receive the union's testimony. Senator Kennedy also indicated that he may have other individuals he would like to call before the committee on that date. We may have some others to call as well.

I have agreed to their requests because I feel that it is important that all parties to the strike have an opportunity to tell their story. I do wish, however, that the union had chosen to testify today, as requested. We would not have needed a second day's hearing, in my opinion, and we could have gotten to the bottom of this completely today and heard the union's side as well.

Also invited to testify today were the Illinois State Police and the two local sheriffs involved, Sheriff Butler and former Sheriff Tucker. All have declined our invitation.

At this point in the record, we will place opening statements from Senators Thurmond, Denton, Simon, and Hawkins.

[The statements referred to follow:]

STATEMENT BY SENATOR STROM THURMOND (R-S.C.) BEFORE THE FULL COMMITTEE ON LABOR A HUMAN RESOURCES REFERENCE LABOR VIOLENCE, WEDNESDAY, FEBRUARY 27, 1985, ROOM 430 DIRKSEN SENATE OFFICE BUILDING, 9:30 A.M.

MR. CHAIRMAN:

Today this Committee turns its consideration to the problem of labor violence. With increasing frequency, our lives are darkened by stories of people being victimized as a result of a labor dispute. Often these victims are innocent, law-abiding bystanders who get caught in the middle of a labor dispute and have no way of being compensated for the losses they suffer.

In 1973, the Supreme Court decided the case of United States v. Enmons. In that case the Court drastically limited the application of the extortion provisions of the Hobbs Act with respect to violence which occurs during the course of a labor dispute. The effect of this ruling was to condone violence and extortion in labor disputes as long as they could be said to serve a legitimate collective bargaining objective. As I have said before, I cannot agree that violence and intimidation, regardless of the legitimacy of its objectives, can ever be used to disrupt commerce.

While the Federal Government should not become involved with the minor disputes or vandalism that can occur during a labor dispute, if violence and extortion become the principal characteristics of a commerce-related dispute, action by Federal law enforcement officials may be necessary. Especially in cases where there is a clear Federal interest, or State and local

governments fail to provide an adequate remedy, the Federal Government should be empowered to act.

As Chairman of the Senate Committee on the Judiciary, I have been working with other members of this committee to resolve this issue. In the last Congress, I joined with Senator Grassley in cosponsoring S.462, a bill to amend the Hobbs Act. The distinguished Senator from Iowa should be commended for his commitment to finding a solution to this problem. I also want to commend Senator East who, as Chairman of the Judiciary Subcommittee on Separation of Powers, held hearings on S.462. Of course, Senator Denton and the distinguished Chairman of this Committee, Senator Hatch, should be commended for their leadership in this legislation also.

The hearing this morning is designed to examine the problems of labor violence and extortion throughout the Nation by receiving testimony on acts of violence in a typical labor dispute. We will hear testimony on the problems State and local governments are having in dealing with these types of cases. It is my understanding that the representatives from organized labor who declined to appear today will be afforded an opportunity to present testimony later. I would like to join with the other members of the Committee in welcoming our witnesses this morning. I am sure their testimony will be of great help and interest to this committee.

STATEMENT BY THE HONORABLE JEREMIAH DENTON
CONCERNING LABOR VIOLENCE BEFORE THE
SENATE LABOR AND HUMAN RESOURCES COMMITTEE

FEBRUARY 27, 1985

MR. CHAIRMAN:

THE GROWTH OF UNION VIOLENCE HAS REACHED DRAMATIC PROPORTIONS. ACCORDING TO ARMAND J. THIERLOT, JR., OF THE UNIVERSITY OF MARYLAND, AND THOMAS R. HAGGARD, OF THE UNIVERSITY OF SOUTH CAROLINA, "LABOR VIOLENCE IS SUBSTANTIAL, SYSTEMATICALLY APPLIED, NOT DIMINISHING, AND THE LAW TACITLY ALLOWS UNIONS WIDE LATITUDE TO USE COERCIVE TECHNIQUES."

STATISTICS PUBLISHED BY THE INDUSTRIAL RESEARCH UNIT OF THE WHARTON SCHOOL OF BUSINESS OF THE UNIVERSITY OF PENNSYLVANIA REVEAL THAT THERE WERE AT LEAST 4,350 DOCUMENTED ACTS OF VIOLENCE COMMITTED BY UNION MEMBERS FROM 1975 TO 1984. THOSE ACTS OF VIOLENCE WERE NOT ISOLATED TO ANY ONE AREA OF THE COUNTRY

IN FACT, EVERY STATE REPRESENTED IN THE UNION HAS EXPERIENCED INCIDENTS OF UNION VIOLENCE. SINCE 1975 THERE HAVE BEEN: 36 DOCUMENTED INCIDENTS IN ALASKA, 21 DOCUMENTED INCIDENTS IN ARKANSAS, 88 DOCUMENTED INCIDENTS IN ARIZONA, 454 DOCUMENTED INCIDENTS IN CALIFORNIA, 44 DOCUMENTED INCIDENTS IN COLORADO, 108 DOCUMENTED INCIDENTS IN CONNECTICUT, 16 DOCUMENTED INCIDENTS IN THE DISTRICT OF COLUMBIA, 13 DOCUMENTED INCIDENTS IN DELAWARE, 79 DOCUMENTED INCIDENTS IN FLORIDA, 38 DOCUMENTED INCIDENTS IN GEORGIA, 22 DOCUMENTED INCIDENTS IN HAWAII, 44 DOCUMENTED INCIDENTS IN IOWA, 31 DOCUMENTED INCIDENTS IN IDAHO, 125 DOCUMENTED INCIDENTS IN ILLINOIS,

115 documented incidents in Indiana, 16 documented incidents in Kansas, 225 documented incidents in Kentucky, 62 documented incidents in Louisiana, 87 documented incidents in Massachusetts, 34 documented incidents in Maryland, 20 documented incidents in Maine, 174 documented incidents in Michigan, 68 documented incidents in Minnesota, 199 documented incidents in Missouri, 25 documented incidents in Mississippi, 62 documented incidents in Montana, 40 documented incidents in North Carolina, 4 documented incidents in North Dakota, 11 documented incidents in New Hampshire, 186 documented incidents in New Jersey, 11 documented incidents in New Mexico, 38 documented incidents in Nevada, 249 documented incidents in New York, 227 documented incidents in Ohio, 115 documented incidents in Oklahoma, 66 documented incidents in Oregon, 39 documented incidents in Pennsylvania, 54 documented incidents in Rhode Island, 10 documented incidents in South Carolina, 5 documented incidents in South Dakota, 179 documented incidents in Tennessee, 99 documented incidents in Texas, 8 documented incidents in Utah, 11 documented incidents in Vermont, 91 documented incidents in Virginia, 90 documented incidents in Washington, 75 documented incidents in West Virginia, 115 documented incidents in Wisconsin, 2 documented incidents in Wyoming, and in my home state of Alabama there were 68 documented incidents of union violence.

Mr. Chairman, to address the serious problem of union violence, our distinguished colleague from Iowa, Mr. Grassley, introduced S. 320, a bill which addresses the Supreme Court's mistaken interpretation of the Hobbs Act in its 1973 decision in United

STATES V. ENMONS, 410 U.S. 396; A MISINTERPRETATION THAT HAS ALLOWED UNION MEMBERS TO ENGAGE WITH IMPUNITY IN VIOLENCE AND THREATS OF VIOLENCE IN THE NAME OF PURSUING "LEGITIMATE" UNION GOALS.

MR. CHAIRMAN, THANKS TO THE LOOPHOLE CREATED IN THE HOBBS ACT BY THE SUPREME COURT, FEW OF THE INCIDENTS OF UNION VIOLENCE RESULT IN PROSECUTION. THE BILL, INTRODUCED BY SENATOR GRASSLEY AND COSPONSORED BY 24 REPUBLICAN SENATORS, WOULD CLOSE THAT LOOPHOLE BY ALLOWING CRIMINAL PROSECUTION OF INDIVIDUALS INVOLVED IN VIOLENT, EXTORTIONATE LABOR UNION TACTICS. IT WOULD ALLOW FOR THE PUNISHMENT OF INDIVIDUALS WHO USE OR THREATEN THE USE OF FORCE OR VIOLENCE DURING STRIKES OR SIMILAR UNION ACTIVITIES.

MOREOVER, PASSAGE OF THE BILL WOULD CORRECT THE CLEAR IMPLICATION OF THE ENMONS DECISION THAT THE LEGITIMACY OF THE ENDS SOUGHT BY UNION AGENTS - CONTRACT CONCESSIONS - EXEMPTS THEM FROM PROSECUTION UNDER THE HOBBS ACT FOR THE USE OF WANTON DESTRUCTION AS A MEANS TO FORCE EMPLOYERS TO ACCEDE TO THEIR DEMANDS. IF WE FOLLOW THE "ENDS JUSTIFIES THE MEANS" RATIONAL OF ENMONS, WE IN EFFECT CONDONE THE SYSTEMATIC DESTRUCTION OF PROPERTY AND THE MAIMING OR KILLING OF INNOCENT INDIVIDUALS IN ORDER TO OBTAIN HIGHER WAGES OR BETTER FRINGE BENEFITS FOR UNION MEMBERS.

AS AN ALTERNATIVE, I INTRODUCED S. 479, THE CRIMES IN LABOR DISPUTES ACT OF 1985, A BILL WHICH ALSO HAS ONLY REPUBLICAN COSPONSORS. THE BILL WOULD MAKE IT A CRIME TO USE OR THREATEN

VIOLENCE IN A LABOR DISPUTE. THE BILL WOULD ALSO PROVIDE A CIVIL REMEDY FOR VICTIMS OF UNION VIOLENCE.

THESE BILLS WOULD NOT INTERFERE WITH THE RIGHT OF WORKERS TO STRIKE FOR HIGHER WAGES. THEIR PROVISIONS WOULD COME INTO EFFECT ONLY IF A STRIKE GOES BEYOND THE MERE WITHHOLDING OF LABOR TO INCLUDE ACTIVITIES SUCH AS SHOOTING, DYNAMITING, OR ARSON DIRECTED AGAINST EMPLOYERS AND NON-STRIKING WORKERS. IN FACT, S. 320 EXPLICITLY EXEMPTS MINOR INCIDENTAL INCURSIONS. THE FACT THAT THE ACTIONS OF A DEFENDENT CAUSED ONLY A MINOR BODILY INJURY, OR MINOR DAMAGE TO PROPERTY NOT EXCEEDING $2,500, WOULD BE AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THE BILL.

I BELIVE THAT THESE BILLS ARE OF PARAMOUNT IMPORTANCE. WE NEED THE PEACEFULNESS THAT THE BILLS WOULD ENGENDER. WE NEED TEAMWORK, COOPERATION AND PRODUCTIVITY IN THE WORKPLACE, NOT VIOLENCE AND THREATS OF VIOLENCES.

MR. CHAIRMAN, I COMMEND YOU FOR SCHEDULING TODAY'S HEARING TO BRING ATTENTION TO THE SERIOUS PROBLEM OF UNION VIOLENCE AND I URGE MY COLLEAGUES TO MOVE EXPEDITIOUSLY ON THESE PROPOSALS.

THANK YOU, MR. CHAIRMAN.

OPENING STATEMENT OF SENATOR
PAUL SIMON (D. IL)

February 27, 1985

Mr. Chairman and Members of the Committee, while I am pleased to join you and my colleagues on the Committee for my first hearing as Member of the Committee on Labor and Human Resources, I am surprised and dismayed that we are focusing our attention on the issue of "Labor Violence". At a time when unemployment in the Nation is 6.9% -- 8.1% in my own State of Illinois -- when so many people are seeking training and gainful employment and corporations close their American plants or merge them out of existence and move American jobs and productivity abroad and when miners lose their lives due to inadequate mine safety and the failure of the Federal Government to keep its commitment to miners in Utah, in Illinois, in Kentucky and elsewhere -- this Committee holds hearings on "Labor Violence".

I am opposed to violence perpetrated by union members or violence encouraged or perpetrated by management. We have a collective bargaining process designed to avoid violence and an impasse in the bargaining process. That process must be used and respected by all parties!

The real "Labor Violence" took place in Orangeville, Utah on December 27, 1984 (27 deaths); in McClure, Virginia on June 21, 1983 (7 deaths); in Cranor, Kentucky on February 10, 1982 (7 deaths); in Redstone, Colorado on April 15, 1982 (15 deaths); in Topmost, Kentucky on December 7, 1981 (8 deaths); and in Palmer, Tennessee on

December 8, 1981 (13 deaths).

This kind of "Labor Violence" is tied to the persistent attempts of this Administration to reduce the number of mine safety and enforcement officials at the Mine Safety and Health Administration (MSHA). This year, in its FY 1986 Budget for the Labor Department, the Administration proposes to eliminate 117 MSHA employees, including 85 mine safety inspectors. In my view, the Committee's time could be better spent providing some oversight of these budget proposals and focusing on the perilous situation facing many of the Nation's miners. While I know that the Chairman is planning hearings on the Utah mine disaster, I do not understand what prompts these hearings, nor is it clear what contribution, if any, they will make to the body of knowledge we have in the area of labor law and union-management practices during a contract disagreement.

These hearings, in addition to their lack of focus on a central labor issue, appear to be one-sided. Labor union officials were asked to testify, but long after a long list of anti-union people had been scheduled to appear before the union witnesses. There are a number issues that will go unexplored unless we assess management's role in provoking the reaction of union leaders and the "rank and file" to persistent attempts to reduce wages, avoid the collective bargaining process and ultimately to "bust" the union.

I am very pleased that the Chairman has agreed to a second day of hearings, at which union and law enforcement officials of Illinois

will have the opportunity to present their views. I ask unanimous consent that a letter from President Beck of Local 438, Cement, Lime, Gypsum and Allied Workers Division of the International Brotherhood of Boilermakers, Iron, Shipbuilders, Blacksmiths, Forgers and Helpers (AFL-CIO) be entered in the Record.

I thank the Chairman.

Opening Statement of Senator Hawkins, February 27, 1985
Labor and Human Resources Full Committee Hearing
"Labor Violence, Beyond the Law, Beyond Remedy"

Good Morning. I would like to begin by commending the Committee Chairman for calling this hearing into the serious problem of labor-related violence.

Strike violence, committed by both employers and employees has long been an unfortunate bi-product of collective bargaining as it is practiced in the country.

It is high time that this Committee take a long hard look at this issue from all sides. I appreciate the opportunity to hear today from representatives of the Missouri Portland Cement Company in regard to the circumstances surrounding a strike against their company by Local 438 of the United Cement Lime, Gypsum, and Allied Workers. It is my understanding that we will hear from representatives of the union sometime in the near future.

Violence from either side during an on-going labor dispute is unacceptable. It is not, however, clearly illegal. Since the Supreme Court's ruling in United States vs. Emmons acts of violence incident to a strike have not been considered a "wrongful" taking of property or violence threatened or carried out of a more personal nature. In short, strike violence does not fall under the Hobbs Act prohibition of extortion. This decision by the Supreme Court causes me great concern and I am a cosponsor of Senator Grassely's legislation to overturn that decision.

Further, I urge our chairman to continue the Committee's inquiry into the three questions before us today. First, what types of crimes are occuring? Second, are federal, state, and local law enforcement agencies able and willing to prevent or curb labor-related violence? Third, is there a need for legislation providing civil remedies to victims of violence? These questions will not be easily answered. I am pleased we are undertaking this task.

The CHAIRMAN. Mr. McIntyre, we will begin with you.

I would like to swear all of the witnesses at the table, if I could.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

The WITNESSES. I do.

The CHAIRMAN. At the table are Mike Mitchell, on my left, Jerry McIntyre, Andy Lang, and Mel Brekhus.

Mr. McIntyre, we will take your statement at this time.

STATEMENTS OF JERRY L. McINTYRE, VICE PRESIDENT FOR OPERATIONS, MISSOURI PORTLAND CEMENT CO.; ACCOMPANIED BY DAVID A. LANG, ESQ., ATTORNEY, McGLINCHEY, STAFFORD, MINTZ, CELLINI & LANG; MIKE S. MITCHELL, ESQ., COUNSEL FOR MISSOURI PORTLAND; AND MEL G. BREKHUS, PLANT MANAGER

Mr. MCINTYRE. Thank you, Senator.

Mr. Chairman and members of the committee, I appreciate the invitation to speak to the committee on this very important topic.

My name is Jerry L. McIntyre, vice president of operations for Missouri Portland Cement Co., and I have held that position for the last 3 years. I was previously with Alpha Cement Co. for 21 years. I have held various management positions for the past 15 years and have been involved in contract negotiations as chief negotiator for both Alpha Cement and for Missouri Portland.

As the committee well knows, those negotiations resulted in a strike called by Local 438 of the Cement Workers Union on June 15, 1984. My testimony today deals with labor violence associated with that strike and with our frustrations in dealing with that violence.

Any story must be placed in its proper setting. It is important to note at the outset that Missouri Portland Cement Co. is not a stranger to collective bargaining with unions and never has been an antiunion company. Our company is headquartered in St. Louis, MO, with production plants in both Kansas City, MO, and Joppa, IL, the latter with a related limestone quarry at Cave-In-Rock, IL.

For almost 50 years, our company has dealt with this union as the representative of our Kansas City and St. Louis employees. We voluntarily recognized the union at the Joppa, IL, plant in 1963

when we began operations at that site, and later at our Cave-In-Rock quarry, which had been represented by the United Mine Workers.

We have signed nine previous bargaining agreements from 1963 through 1981, with only two previous strikes: the first, a legitimate one in 1973 lasting 39 days; the second, a wildcat strike in 1977. Thus, as you can see, our experience dealing with unions, and this in particular, has been for the most part peaceful over a long period of time.

Joppa, at the southern tip of Illinois on the Ohio River, is an excellent location because of its proximity to a major waterway on which we receive raw materials and ship our finished product. However, our experiences in the strike I am about to describe leave much to be desired in the way of protection to which American industry is entitled.

I was told for years that an understanding of the nature of labor-management relations in that region depended on a knowledge of the story of Bloody Williamson, a book about a bloody coal mine strike in Williamson County, IL, in which employees who crossed a picket line were murdered and no one was punished for the crime because of a "look-the-other-way" attitude toward violence where it concerns unions versus employees, which apparently persists to this day.

Senator METZENBAUM. May I just interrupt for a minute?

The CHAIRMAN. Sure.

Senator METZENBAUM. Really, from the standpoint of this hearing, that is just some story that somebody told you about a book, and it really has no direct relationship to this hearing, does it?

Mr. MCINTYRE. I am not sure about that. I did read the book.

Senator METZENBAUM. You read the book, but we are not talking about anything that happened in the Bloody Williamson matter. That is just some comment you are making about something that you have heard about. Is that right?

Mr. MCINTYRE. That is correct, sir. I thought I made that clear in the entrance to it.

The CHAIRMAN. Let's let the witness give his testimony. We will have time for questions later.

Go ahead.

Mr. MCINTYRE. Six or seven years ago, there was labor violence at the Cook coal terminal, located near our Joppa plant, in which union members literally overran the property, doing considerable damage. The Illinois State Police were on the scene but were either unable or unwilling to stop them. Violent strikes have also taken place in recent years against other companies such as Kerr-McGee, which has a plant located in southern Illinois.

None of this mattered as long as our contract negotiations with the union went smoothly, and for many years they did, chiefly because the economy was good and the company was willing to concede much of what the union had demanded.

But in recent years, our company has suffered serious financial setbacks. I will not detail the severity of this situation—although I have done so for the union during the course of our negotiations—except to say that we lost money at a rapid and substantial rate, and our very existence was in jeopardy.

Our most recent labor contract still had 2 years to run when we learned that the union had granted certain economic concessions to two of our competitors, Lehigh Cement Co. and Continental Cement Co.

Our president and chief operating officer, Thomas A. Templet, called upon Bernard Martinez, the union's international vice president, telling him that Missouri Portland desperately needed relief and requesting a meeting to explore the possibility of obtaining for our company concessions like those granted to Lehigh and Continental. Martinez advised Templet by letter that concessions would not be granted to the company. Our agreement with the union expired on April 30, 1984.

Our approach to the 1984 negotiations was dictated by these adverse financial conditions I have described. We had no choice but to insist upon substantial revisions in our labor costs and operational flexibility if we were to survive.

The union's past practice in the cement industry has been to settle with all the companies on the basis of a "pattern" contract obtained with one of the major producers. Subsequent to the union's establishment of the pattern, there was no bargaining on economic or major issues. The union merely presented the pattern to various employers, and essentially they went along with it, although they did negotiate separately on local issues.

Of course, the recession affected all the cement producers, so Missouri Portland has been only one of many which, for the first time, appealed to the union for major economic and work rule concessions. The union has responded with strikes at a number of them.

Out of the approximately 90 cement-producing plants in the United States that are affiliated with the Cement Workers Union, only 29 have reached any kind of agreement at this point. Twenty-eight plants have experienced strikes, and 45 plants are currently working under implemented final offers after having negotiated to impasse.

Meanwhile, the union has established its pattern at Lone Star Cement with a contract it insists upon forcing on our company and others at whatever cost and regardless of the circumstances.

I am not privy to the financial conditions of other cement companies, of course, but it is widely accepted as true that foreign cement competition has hurt us all. Cement from Spain, for example, is unloaded in New Orleans and shipped by barge to Minneapolis-St. Paul and sold cheaper than it can be manufactured in the United States.

Need I say more in justification of our determination to meet such competition with the utmost efficiency and lower labor costs? The objective in our negotiations with the union was, and is, to make our plants as efficient as possible and to operate with labor costs than will allow the company to be more competitive.

In this setting, then, negotiations began with the union on February 29, 1984. Despite reluctance of the union to meet for frequent discussions—so disdainful were they of our needs—we did manage to have nine bargaining sessions by June 13, 1984. On June 15, local 438 struck.

The tactics the union was to use in the strike became apparent within hours. Violence, intimidation, and harassment were introduced in brazen disregard of law and order. We had been led to believe that the strike would begin at 6 a.m. on June 15. Several hours before that, however, massed pickets were at the gate.

We tried to bring in supplies for our salaried personnel who were continuing to operate the plant and who were living on the premises because they could not safely travel between their homes and the plant. Two vehicles of our supplier, Security Resources, were stopped near the main gate by pickets armed with clubs and pipes, who beat on the sides of both vehicles and attempted to overturn one of them.

Our product is shipped from the plant by truck as well as by barge. The trucking company we use to ship our product is Commercial Transport, Inc. Additionally, some of our customers have trucks of their own and pick up cement from the plant.

On the first day of the strike, two Commercial Transport trucks were stopped by pickets, among them the union president, David Beck, and Roger Barnhill, its vice president. The drivers were threatened by the pickets and were not allowed to drive through the gate. Private customers in their own trucks were also prevented by pickets from coming into the plant.

The next day, June 16, a tractor-trailer bringing in bedding for the salaried personnel, again who were housed in the plant for their safety, was stopped by pickets, led again by President Beck, on the highway leading to the plant. They forced the driver to open the truck so they could see whether replacement employees were inside. This was done not only in full view of but with the help of Illinois State policemen.

When Ted Pugh, who owns Security Resources, protested this action, a State policeman silenced Pugh, who is black, with the quote, "Boy, you're in southern Illinois."

That day, a pipeline carrying flyash into the plant was vandalized and made inoperable. Later that evening, Robert Marbs, the driver of the truck which crossed the picket line, was followed to his motel and assaulted.

On June 18, a powerline into the plant was downed with a shot from a high-powered rifle. This shut the plant down and started two small brush fires when the wires hit the ground. The local fire department responded, but the pickets refused to allow them to come into the plant. After some shouting, the pickets finally agreed to allow one fireman, in one vehicle, to enter the plant—a situation which that fireman later testified was life threatening.

Much more violence was to follow. On June 19, a service technician, Cliff Howell, who was unaware that there was a strike in progress, paid a routine call to inspect our business machines. He was stopped by numerous pickets, and when he told them that he intended to go through the gate, one of them, Garold Blanchard, using his picket sign like a baseball bat, deliberately smashed the car's windshield while another slashed his tires.

Police were looking on while pickets surrounded Howell's car. Blanchard casually gave himself up to the police, and so far as I know, this is the only arrest that was ever made of any picket during the entire strike.

Two hours later, Blanchard made bail and was back on the picket line to the cheers of his fellow strikers. State police later termed this incident an "accident," but we are supplying a videotape of the incident to the committee which shows quite the opposite. Typically, union members filed charges against Howell, claiming he drove recklessly and broke their picket sign, although those were later dropped.

We were able to obtain a temporary restraining order limiting the number of pickets to three, but it was violated routinely and flagrantly. Our attorney, David A. Lang, will tell the committee about our frustrations as we tried in vain to have the level of violence reduced by enforcement of the court order, but I can tell you that we were forced to totally forfeit use of the front gate for salaried personnel, shipments of food, shipments of cement, and all normal deliveries to the plant including overnight mail.

There were no customer pickups for over 3 months, and to this very day there are vendors who will not cross the picket line for fear of violence—including the railroads. For many weeks, the only safe way in and out of the plant was by helicopter.

There was mass picketing on numerous occasions. On June 22, there were approximately 200 people including strikers, many family members and union supporters congregating in the area, and free use of the gate was, of course, impossible.

On June 28, Congressman Ken Gray held a political rally at a tent which the strikers had set up across from the company's fence, and again, approximately 200 strikers and others showed up.

There was a tremendous amount of abuse hurled at our guards that day including racial and ethnic slurs, obscenities and shouts of, "The law is on our side now." Later that day, as the bus passed through the gauntlet that the strikers had set up, a knife was thrown through its rear window shattering the window and showering glass on several of the guards.

I have mentioned the earlier Cook Coal Terminal violence which was constantly on our minds. The strikers were well aware of this and played on the fears of our salaried employees and guards constantly by shouting, "The coal miners are coming" and "Just wait 'til the coal miners get here."

The State police increased our apprehension by informing us on June 28 of a report that the strikers would be joined by members of other unions, to foment a serious incident in the near future. Sure enough, 2 days later, on June 30, approximately 30 to 40 men were at the gate. Only three were Missouri Portland strikers. The others were employees of Allied Chemical Co. and Electrical Energy of Illinois and perhaps other companies.

They massed at the front gate, and after several minutes of rock throwing and shouting obscenities, they walked ominously onto the property, scattering nails and continuing to pick up and throw rocks and bottles as they progressed. The incursion extended approximately 100 feet onto Missouri Portland's property, at which time they had apparently made their psychological point. They turned around and left the company's property.

Shortly thereafter, the State police arrived and our guards began to gather up the debris which had been thrown at them. The mob returned and massed at the gate a second time; yet the State police

made not the slightest effort to disperse them, even though this was a clear violation of the temporary restraining order, as the police well knew.

We expected, as happens in many strikes, that after the first few days the level of violence would taper off. That was not to happen with ours. During July the violence was intensified. Rocks were thrown at several vehicles of Commercial Transport, shattering their windows. Commercial Transport trucks were shot and hit on the open road, and they suffered literally hundreds of flat tires and numerous broken windshields.

On July 5, a bus carrying our security guards was hit twice with shotgun blasts. Fortunately, no one was injured. We had another power outage on July 6 when a circuit breaker at EEI, our power supplier, was drained of oil in an act of sabotage.

The violence went on and on. On July 7, a member of the union's bargaining committee, Randy Woods, boldly entered the plant property and approached a van in which our security guards were sitting. One of the guards, Greg Peterson, stated, "You're going to get in trouble." Woods replied, "I'm not in trouble, you're in trouble," throwing a bottle of foul-smelling caustic liquid into the van.

At first, the six guards in the van believed they had been attacked with a smoke bomb or some other incendiary device. All six had trouble breathing and became nauseous. One, Terry Payne, vomited blood for 45 minutes. Four of them were sent to the hospital. Greg Peterson required oxygen when he lost consciousness.

Three days later, a Commercial Transport truck was stopped in downtown Joppa and the driver was told to get out. Four individuals then did $1,500 worth of damage to the truck. A local citizen, Gerald Vanzant, was an eyewitness and recognized striking employee Kenny Kerr. Vanzant was told by one of the vandals that he should say nothing "if he knew what was good for him."

Throughout July the attacks on Commercial Transport trucks continued, and on July 14 the violence was aimed at its terminal manager, Delbert Sullivan, whose house was shot into at least 12 times. Several bullets struck the headboard of the bed in which he and his wife were sleeping, missing their heads by inches.

Security Resources vehicles also continued to be targets of attacks and vandalism. On July 26, the windshield of one of the vans carrying food was shattered when a striker threw a soda bottle at it, spraying glass on the occupants.

There was also vandalism on company property. On July 28, someone pulled wires loose from a fork-lift and a large rock crusher and cut their oil and fuel lines.

The violence continued into August, and while it became more sporadic, it intensified in nature, probably because on August 6 we hired permanent replacement employees. On August 9, a tire on a bus used by the security guards was shot out. On August 18, a portable lighting unit at the plant was also shot out.

On August 22, one of the new employees, Tom Eckholm, was driving to work on his motorbike when he was forced off the road by another vehicle and struck in the face by a striker. On August 23, a brick was thrown against the windshield of a Security Resources vehicle by another striker identified as Carl Medley.

All summer long, we heard that the plant would be——

Senator METZENBAUM. Mr. Chairman, I wonder if we could get the witness to summarize his testimony.

The CHAIRMAN. He is just about through.

Senator METZEBAUM. He has got three or four pages yet to go.

The CHAIRMAN. Well, I think that this is important testimony. We will try to get others to summarize, but let's at least have him have the opportunity.

Mr. MCINTYRE. All summer long, we had heard that the plant would be blown up with dynamite, which was supposedly stolen from our quarry. Toward the end of September, that threat was often repeated. Although we knew where these rumors came from and reported them to the local authorities, the FBI, and the Bureau of Alcohol, Tobacco and Firearms, no investigation was ever conducted, to our knowledge. The same rumors continue and have been heard as recently as 2 weeks ago.

On October 3, striker Jeff Adams threw a log into the windshield of a car being driven by employee J.J. Badalich as he left the plant area. Mr. Badalich was lucky to escape with his life.

On October 16, Bruce Snyder ran into the plant and smashed the windshield of our security van with a tire tool. This incident, along with several others I have described, is also on the videotape we are supplying.

On October 24, someone sneaked into the plant and did $100,000 worth of damage to one of our conveyor belts. And still the violence continued.

In early November, Jeff Adams told a Security Resources employee that there would be a "hit" or attack on the van. The van referred to was one used by the company to transport new employees who, because they were frequently being followed or harassed by strikers, were reluctant to drive their own vehicles.

On November 4, as the van was approaching the plant gate, it was shot into at least eight times with a high-powered rifle. The shots were fired at head level in a clear case of attempted murder. One of the occupants, G.W. Miller, was struck in the forehead by one of the bullets.

In December, William Schierbaum, an independent contractor for Missouri Portland, discovered that the security lights at his home had been shot out. On the 20th, Delbert Sullivan and his wife were shot at again as they were leaving their home.

On the 23d, an unidentified striker was seen pointing a rifle at two of our replacement employees, Barry James and Howard Kaylor, who were coming to work.

Then came Christmas day. At 1 a.m., five persons, four of them wearing masks, entered our property with clubs or poles and at least one gun. They chased down and severely beat employee Kenneth Hutchins, who suffered broken ribs, a broken finger, a broken arm, and a fractured ankle in a cowardly attack, carried on under cover of darkness. Local authorities have stated that Hutchins' fellow employees were behind this attack, but Hutchins is convinced otherwise.

In conclusion, there has been violence to such an extent that we simply cannot catalog all of it. For example, we know that there have been literally hundreds of tires flattened by nails scattered by strikers, but we do not know how many because we have stopped

counting. Many of those nails, as you can see [holding up nail], have been cleverly crafted and painstakingly manufactured to do the maximum amount of damage possible.

There have been over a dozen windshields smashed and scores of other incidents including vandalism, intimidation, anonymous phone calls, harassment, bomb threats, shootings, beatings, and attempted murder.

The cost to Missouri Portland has been astronomical. Just the violence associated with this strike has cost us over $2 million—money we could ill afford to lose in our precarious financial condition. I emphasize that we were prepared to lose some of it because we realize that strikes by their nature cost money. What we were not prepared to accept is that unions can engage in violence with impunity.

Our total strike-related expenditures are much higher. Although this is unfortunate, we must accept it. But our loss of revenue from customer pickups in 1984 was almost exactly $1 million. That is unacceptable.

The money we had to spend on hospital bills, helicopters, vandalism, shattered windshields, flattened tires, and the loss of revenue to our customers and the like is also totally unacceptable. At one time we had 130 guards on the premises, and they still could not protect us from the violence or provide us free use of the front gate.

We appreciate the opportunity to testify before the committee today. It has been difficult, if not impossible, for us to get anyone, including those sworn to uphold the law, to act on our behalf or, for that matter, even to show concern that these incidents were and are continuing to take place.

A more detailed analysis of this problem and our attempts to obtain the cooperation of law enforcement officials will be presented to the committee by our attorney, David A. Lang. If it is acceptable with you, Senator, I would prefer to defer questions until after his presentation.

The CHAIRMAN. That is acceptable. Go ahead, Mr. Lang.

Senator METZENBAUM. Mr. Chairman, I don't think that that is an appropriate procedure. We normally are permitted to inquire of our witnesses. One of our members who was here had to leave. I think we ought to have an opportunity to inquire of Mr. McIntyre, and then we would be very happy to hear from Mr. Lang.

The CHAIRMAN. Well, I think it is a normal procedure to hear from the witnesses at the table. We will make sure everybody has enough time to ask questions.

Senator METZENBAUM. Well, Mr. Chairman, you know, there is a suggestion here that this is a one-sided hearing. It has been indicated in the news press today. I am suggesting that we have an opportunity to inquire of the witness. We all have busy schedules.

I don't know of any other procedure where two people come before us. This man is obviously well prepared. He has had a lengthy statement. The other man has a lengthy statement. Why can't we ask him questions?

The CHAIRMAN. Because I am going to rule that we go with Mr. Lang first, and then——

Senator METZENBAUM. Well, let me say that that is further evidence, Mr. Chairman, that, as some have felt, you are being one-sided——

The CHAIRMAN. Well, I resent that, Senator Metzenbaum, because we have invited the union to testify, and I, personally, have always been fair on this committee.

Senator METZENBAUM. I am a member of this committee. I have a right to ask him questions.

The CHAIRMAN. And you are going to have your right, but we are going to listen——

Senator METZENBAUM. Sure, tomorrow?

The CHAIRMAN. We will listen to Mr. Lang first, and then we will be happy to give you time, just like anybody else.

Senator METZENBAUM. Sure.

The CHAIRMAN. But there is nothing wrong with listening to the two witnesses who are chronicling what has gone on here from their perspective.

Senator METZENBAUM. Well, this is like a——

The CHAIRMAN. Oh, come on, Howard, quit acting that way. My gosh, we have done this before.

Senator METZENBAUM. I think there is no reason. I am asking for the right to ask questions.

The CHAIRMAN. Let's go ahead.

Senator METZENBAUM. Why can't we ask him questions?

The CHAIRMAN. You will be able to. Go ahead, Mr. Lang.

Mr. LANG. Thank you, Senator.

My name is David Lang, and I am a partner with the New Orleans-based law firm of McGlinchey, Stafford, Mintz, Cellini & Lang. I have specialized in the area of employee relations law for some 20 years, representing management in collective bargaining, unfair labor practice charges, employee benefits, and other matters.

We have served as labor counsel to Missouri Portland Cement since the beginning of negotiations in early 1984.

I will try to briefly describe some of the legal steps we took in attempting to control this violence and the extreme reluctance we encountered from all levels of law enforcement in the southern Illinois area to uphold the law. Our experience underscores the need for Federal jurisdiction over union violence and intimidation.

Because of the violence which began at the onset of the strike, we obtained a temporary restraining order by the evening of June 16. After listening to 4 days of testimony, the local State court judge issued a permanent injunction. This injunction, like the restraining order before it, was violated almost daily because of the lack of enforcement by law officers who paid only lipservice to the idea of keeping the peace. In truth, the sheriff, the State's attorney, and the State police all kept a hands-off attitude at best, and at worst, they even condoned the violence.

The local sheriff, Ron Tucker, was not an experienced law enforcement officer. He was simply inadequate through experience and predilection to the task of handling such a serious strike. His deputies were worse, and some of them were blatantly prejudiced against the company and seemed to be encouraging union violence.

For example, in mid-August, a carload of new employees was followed by two carloads of strikers who, by continually cutting in

front of the employees' car, forced if off the road. The strikers jumped out of their cars and pounded on the windshield of the car from the plant, shouting obscenities and threats.

Deputy Michael Scott arrived on the scene, promptly issuing a traffic citation to Thomas Gott, the driver who had been forced off the road. When the employees protested that they had been threatened and intimidated, Deputy Scott told them that their claims had no proof and that the strikers were just passersby.

Gott and his passengers were taken back to the sheriff's office, where they were interrogated intensively about what they were doing in the plant, when they were hired, how much they were making, and similar questions. At one point Scott stated threateningly, "If someone came into the sheriff's and offered to work for $5 an hour, I'd kill the blankety blank myself."

Despite the sheriff's refusal and failure or inability to enforce the law, we were prevented from going to the Illinois State police by the requirement that all requests for State police intervention must come through the sheriff's department. That is, any time an incident occurred requiring a police response, we were first forced to request aid from the sheriff's department. Only if the sheriff determined that he was unable to handle it would he ask the State police to assist. All direct requests for aid from the State police were ignored.

Eventually, Sheriff Tucker made a blanket request for State police intervention, but our experience with them was frustrated by local politicians. A State police emergency headquarters was set up approximately 15 to 20 minutes from the plant, and an adequate contingent of State police was assigned to that headquarters. The situation was far from perfect because the personal biases of individual police officers still governed whether or not violations of the law were dealt with.

Mass picketing in clear violation of the injunctive order occurred on more than one occasion in full view of State policemen who did nothing to prevent it, and the State police actively aided strikers in halting and searching a Security Resources vehicle which was attempting to enter the plant, in an effort to discover replacement employees.

Still, even though less than perfect, the initial response of the State police was welcomed. A few short days later, however, the State police command post was dissolved with no explanation and the contingent of police ordered out of the area. Our inquiries yielded veiled references to the problem being political and arising out of Springfield, the State capital.

It was not until the November elections that we learned the true reason, when State Representative Bob Winchester, in a letter to the local Metropolis Planet, outlined the aid and assistance he had given to the union and boasted that, due to his direct intervention with the Governor's office, he had, at the union's request, seen to it than 25 State police were removed from the site.

This committee has been provided with a series of telegrams and other attempts to encourage the State police to take an active interest in enforcing the law. Unfortunately, we continually ran into what one State policeman termed the "dictum of labor relations in

southern Illinois," that the State police would not get involved unless someone was killed.

We were also faced with individual State policemen who attempted to destroy evidence and to prevent us from protecting persons and property. We considered seeking writs of mandamus directing law enforcement officers and the Illinois State police to act. We realized, though, that this would be a long and difficult process and, even if successful, would yield no more than a court order, which we already had, directing the law enforcement agencies to carry out the law.

We turned instead to various Federal agencies and the State's criminal procedures, all of which proved also to be inadequate. Unfair labor practice charges filed by the company resulted in the NLRB issuing a complaint against the union, and the Board is seeking Federal injunctive relief in anticipation of future violence by the union. But the violence continues, and this has not stopped the violence.

After a tremendous amount of prodding from us, the Federal Aviation Administration finally managed to persuade striker James Shrum to cease buzzing the plant in his private airplane, from which he dropped nails along the roadway and created a dangerous situation for the company's helicopters.

A single request from the union, though, brought a swift and thorough onsite by an FAA inspector accompanied by the local sheriff to check the serial numbers and registration papers of the helicopters the company was using.

Repeated contacts were made with the FBI which were fruitless because of the Hobbs Act which, as currently interpreted by the Supreme Court, states that no matter how severe the violence is or how clearly it affects interstate commerce, it is not cognizable as a Federal offense if it arises out of a labor dispute.

The Bureau of Alcohol, Tobacco and Firearms was similarly hamstrung in investigating the frequent bomb threats at the plant, since they have jurisdiction only when a bomb is either exploded or has been discovered.

Most depressing of all, perhaps, were our attempts to use the local criminal law procedures. Time and again, clear and convincing evidence, far in excess of that needed to establish a prima facie case, was presented to State's attorney Joe Jackson, but not a single indictment was ever forthcoming.

One of the key reasons was the fact that Jackson allowed Jack Mizell, a member of the union's bargaining committee, to sit on the grand jury and lead the questioning against witnesses, eyewitnesses to union violence, who, to use their own words, were treated as though they were the ones who were on trial.

The current State's attorney, Phillip Frazier, has expressed open hostility to the company and its employees on many occasions.

Violent and potentially dangerous incidents occurred regularly on the Ohio River where the company is located. Our attempts to seek help were constantly buffeted back and both between the U.S. Coast Guard, the Illinois State Patrol, and the Kentucky Water Patrol, none of whom wanted to take responsibility or jurisdiction for events which occurred on the waterways.

It is our view that the Hobbs Act should be amended to legislatively overturn the *Enmons* decision. We would also support proposed legislation making unions and companies liable for the violent acts of their agents. Without this type of legislation, injustices such as those we have been referring to will continue to occur with impunity.

The committee's action in this area could, in a very real sense, save innocent lives.

We will be happy now to answer any questions the committee might have.

[The prepared statement of Mr. Lang follows:]

STATEMENT BEFORE THE

SENATE LABOR AND HUMAN RESOURCES COMMITTEE

BY DAVID A. LANG

February 27, 1985

My name is David A. Lang. I am a partner in the law firm of McGlinchey, Stafford, Mintz, Cellini & Lang in New Orleans. We are a general service firm but my practice has been in the field of labor and employment law on behalf of management. We have served as labor counsel to Missouri Portland Cement Company throughout the difficult period just described.

Mr. McIntyre has given you a general account of the Union's violence. I will relate the legal steps we took in attempting to arrest that violence, and the frustrations we encountered. We believe that only through federal legislation can such lawless conduct be controlled because of the obvious apathy and political tendencies of elected state and local officials, and the police who take orders from them.

We were able to obtain a Temporary Restraining Order by the evening of June 16th, the violence having commenced with the onset of the strike the previous day. The Order, as Mr. McIntyre has told you, limited the pickets to three and required that they refrain from harassing or intimidating those attempting to enter or leave the plant gate. Violations occurred almost daily. Even after the temporary order was made permanent on July 27, following four days of testimony describing violent activities, there was no general obedience with the injunction.

An injunction, of course, is only as effective as the authorities who enforce it. Unfortunately, while the local and state officials pretended to be interested in law and order, the sheriff, the state's attorney and the state police maintained at the best a "hands off" attitude; at worst, they condoned the violence. I realize these are serious charges, but the facts bear them out.

We sought to obtain the protection of the court's injunction by citing the violators for contempt and succeeded in getting 17 convictions, six of them members of Local 438, the rest sympathizers. We also sought criminal indictments, but in that we were uniformly unsuccessful. For example, as related by Mr. McIntyre, on June 30, 1984, a group of thirty to forty sympathizers of the strikers, in clear violation of the restraining order, marched into the plant throwing rocks, bottles and nails. We had it all on video tape when we were able to obtain contempt citations against eleven of them. But when we gave that evidence to State's Attorney Joe Jackson he ignored it and our request to prosecute.

After Randy Woods was convicted of contempt and fined $500 for throwing a bottle of caustic liquid into a van containing six unarmed guards on July 7, which Mr. McIntyre also described, we again provided state's attorney Jackson with the evidence. An eyewitness had made an in-court identification of Woods and related how the attack had sent four of the guards to the hospital, one of them unconscious. Instead of accepting the responsibility which was his to prosecute -- Mr. Jackson had three of the guards appear before the grand jury, after which those guards said they were made to feel like

they were the criminals. The grand jurors were encouraged to cross-examine them demanding to know where they came from, what were their addresses, what were their duties at the plant, and whether they were really "scab labor." One of the grand jurors was Jack Mizell, a member of the Union's bargaining committee. Needless to say, no indictment was returned, but with Mizell present it can be presumed that the inquisition produced information (like the home addresses) useful to the strikers in continuing to intimidate the guards.

Nor was Kenny Kerr, another striker, indicted by the grand jury before which he, like Woods, was taken by state's attorney Jackson after being presented with the eyewitness evidence of a disinterested citizen, Gerald Vanzant, that Kerr was one of four persons who stopped and heavily vandalized late in the night of July 10 a truck servicing Missouri Portland. Vanzant bravely testified at the injunction hearing despite threats by the four vandals to try to prevent him from revealing what he saw.

The same story, sad to relate, applies to the charge against Carl Medley, a striker identified as having thrown a brick through the windshield of a Security Resources van on the open road. Again, public spirited local citizens, Gordon Smith and his wife Kana, furnished the evidence. They were in a vehicle with their four children directly behind the van, and Kana Smith identified Medley as the culprit. At the grand jury proceedings she, too, was treated as if she were the one facing indictment. Juror after juror accused her of not knowing what she was talking about. Not only was no action

taken, there is no record of an appearance by Medley before the grand jury or of Mrs. Smith's having been summoned to testify.

There were numerous charges with the most trustworthy evidence presented to state's attorney Jackson -- yet the only striker charged with a crime is Garold Blanchard, the man who submitted voluntarily to arrest after smashing a car windshield in the presence of police and pleaded guilty to a misdemeanor.

In November, general elections were held and the Union not surprisingly came out strongly for the re-election of state's attorney Jackson. Jackson was narrowly defeated but his successor, Phillip Frazier, who holds the office has shown no more interest in seeking indictments against the violent strikers than did his predecessor. To the contrary he has shown antagonism toward the Company and a clear lack of evenhanded enforcement. For example, after striker Jeff Adams threw a log through the windshield of J. J. Badalich's car he was sentenced to 45 days in jail for being found in contempt of the injunction. The same eyewitness evidence that was given to the judge in that case was also turned over to Frazier. He took no action. By contrast when someone fired a shot into a sign in tne yard of a striker named Bob King on New Year's Eve, with nothing more to go on than a tip that what resembled a Security Resources van may have slowed down nearby, Frazier took Sheriff Bob Butler to the plant gate where they waited for several hours to apprehend the suspected driver of the Security Resources vehicle and take him in for questioning.

Similarly, Deputy Sheriff Michael Scott deliberately overlooked a violation of the law by strikers and found unfounded violations by

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employees who replaced strikers. It happened like this. One day in August several employees were harassed after leaving the plant in a car. Two carloads of strikers continually cut in front of their automobile to force it off the road. Finally, the car of the employees from the plant was stopped and they were subjected to a great deal of harassment and intimidation during which Deputy Sheriff Scott appeared, and in short order cited them for a traffic violation (the driver, Thomas Gott, was fined $50) searched their car and found a gun (whose owner Dan Dotson, was fined $100 and told that he faced the possiblity of imprisonment).

One of the employees in that car asked Scott "What about these guys who tried to wreck our car, threatened us and forced us off the road?" The deputy's reply was "Well, we don't know that for a fact. They are probably just passersby who stopped because there was an accident here." One of the employees stated he wished he had been helicoptered out of the plant that night. To this Scott replied: "It looks like Mr. Bob Green's helicopters won't be going anyplace tonight." This was a reference to the fact that our helicopters sometimes took off from and landed at the Executive Inn in Paducah, Kentucky -- a hotel built by Bob Green using non-union labor.

The employees were then escorted to the Sheriff's office where they were subjected to intense interrogation during which Deputy Scott advised them that the plant was not a safe place to work because on September 1 it would be dynamited. Scott also offered this comment, referring to the fact that the new employees were

working at the plant's reduced wage rates: "If someone came into the Sheriff's office and offered to work for $5 an hour, I'd kill the fucker myself." The extensive questioning also included inquiries as to what was going on inside the plant, how many new employees were there and what they were doing. The experience badly frightened these employees, as you can well imagine.

Our experience with the Illinois State Police was also frustrating. They had told us repeatedly early in the strike that they had no authority to investigate any matter directly; that we should contact the local sheriff who if he felt it necessary, could ask for their assistance.

After numerous requests, Sheriff Tucker did ask the state police to intervene, after which at least we were able to report the violence to them, and at first they reacted promptly. Lieutenant John Richter was placed in charge of a state police contingent to monitor the strike, and he set up a command post some 15 to 20 minutes away from the plant. When they appeared at the plant gate there were no serious incidents, so we asked several times for coverage there around the clock but never got it.

What service we did get from the state police was short lived. The command post was abandoned within a week, with a promise that patrols would continue. Our repeated inquiries as to why they had withdrawn produced only veiled references to "politics" "out of Springfield" (the state capital), but we found out why during the

November elections when a letter in the Metropolis Planet on November 1, 1984, attributed to State Representative Bob Winchester, outlined the assistance he had given the Union in the strike.

The Committee has a copy of that letter, which states in part:

> The president of the Local [union] was quite concerned about the amount of state police protection being provided [Missouri] Portland. He indicated that this was embarassing to the Union and that the situation was being blown out of proportion. With the help of the Governor's office, the Department of Law Enforcement was instructed to review the need for this degree of manpower. Within 24 hours, 25 state police were removed from the site.
>
> This was done based primarily on the assurance from the president that there would in fact be no trouble caused by his members toward Missouri Portland. If there had been trouble, those state police would have returned -- he agreed.

No one from the Company, of course, was ever consulted about the need or the wisdom of withdrawing police protection. This was a decision made solely by the Union and politicians.

In a series of telegrams we tried to get the state police to take an interest in the violence. Their response at one point was candid, referring to the "dictum of labor relations in southern Illinois" namely, that the state police would not get involved unless or until someone was seriously hurt or killed.

Meanwhile, because so many windshields were broken by the strikers, Security Resources attempted to protect its drivers by placing wire meshes across the fronts of their vans; and, although

this did not obstruct the view in any way, traffic tickets were issued to the drivers because of it, forcing abandonment of that protective device. Moreover, as Delbert Sullivan told us every time one of his Commercial Transport drivers reported an incident, the investigation began with an inspection of the driver, his license, the truck licenses, permits, etc., ... even if the same officer had only recently already made an identical inspection of the same driver.

When violence against Company property and personnel occurred on the Ohio River, as it frequently did, we got the run-around on the excuse of "no jurisdiction." The Coast Guard advised that it would set up a "safety zone" around our docks if major incidents continued to occur, but that the Illinois state police had to provide day-to-day protection. The Illinois state police said that the Kentucky Water Patrol had jurisdiction, not they; but the Kentucky Water Patrol insisted that the Illinois state police had jurisdiction over the first 500 feet out from the Illinois side. The Illinois state police said they had never heard of such a rule and suggested that we again contact the Coast Guard which, of course, would not referee the "contest" between those two agencies. So we are entirely without protection for our property or personnel along the river.

Another federal agency also plays a part in our story of frustration. One of the strikers, James Shrum, owned an airplane which he used to buzz the plant. He would fly as low as 25 to 30 feet over the plant at least once a day and circle two or three times, occasionally dropping nails along the roadway outside the

plant gate. As Mr. McIntyre has mentioned, the Union violence at the gate compelled the Company to use helicopters for access and exit, and Shrum's aerial acrobatics created a dangerous situation for those helicopters which was brought to the attention of the Federal Aviation Administration. The FAA was interested in Shrum's flight violations until it learned about the labor dispute. We did have a visit by an FAA inspector -- but he said he was there only to check out a complaint by the Union that our helicopters were either unlicensed or unregistered. He was accompanied by Sheriff Tucker who himself participated in checking the helicopter documents, though that was none of his business.

Only when the Company put its complaint in writing to the FAA and backed it up with signed statements did that agency make Schrum discontinue his dangerous flights.

Rumors that the plant would be dynamited were traced to specific Union members, among them Charles "Sickie" Thomas, and this information was passed on to the state police, the FBI and the Bureau of Alcohol, Tobacco and Firearms. To our knowledge, no contact was made by them with Thomas or any other Union people about this, nor any other investigation conducted regarding it.

Although asked, the FBI was prohibited by law from helping us because of the Supreme Court's Hobbs Act interpretation and it is our understanding that the Bureau of Alcohol, Tobacco and Fire Arms can only take jurisdiction when a bomb has either been exploded or discovered.

It is difficult to understand how the state police could justify giving repeated citations to our guard service because its bus was painted the wrong color; yet since December 25, the night he was assaulted, Kenneth Hutchins has yet to even be interviewed by a single person from the Massac Sheriff's department, the Illinois state police or the Department of Criminal Investigation.

We considered filing Writs of Mandamus against various officers and the Illinois state police to compel them to enforce the injunction and the law. We realized, however, that this would be a long and difficult procedure and, if successful, would yield no more than another Court order directing the authorities to do what they were obviously not going to do.

We turned then to the National Labor Relations Board. The Board investigated our charge of Union violence, found it to have merit and issued a complaint. Earlier in the summer Commercial Transport had filed a similar charge against the Union which the Board had allowed the Union to settle informally through the posting of a Notice. The Board ruled that by its continued violence, the Union violated the terms of the Commercial Transport settlement, revoked it and consolidated it with our charge.

The Union was once again allowed to settle this charge informally with no more penalty than a cease and desist order and agreeing to post another Notice -- but before this agreement could be finalized the Union had already violated it in the form of the cowardly attack on Kenneth Hutchins. We filed additional charges,

which were investigated and found to have merit. This time the Board not only required a cease and desist order but confected it as a formal settlement - one which will be enforced by the circuit court of appeals - in addition to seeking "standby" injunctive relief under §10j of the Act. This is a highly unusual action by the Board, and one which we hope will have some deterrant value, but which we fea will not.

The Union has attempted to scrape up a few examples of supposed violence aimed at Union members, such as a new employee possessing a weapon, and a sign which was shot into. While the Company certainly does not condone anything that may happen to befall Union members, the Committee should know that all these alleged acts of Company violence were submitted by the Union to the Labor Board as proof of violations of the law -- none have gone to complaint. Moreover, it is telling that while the Company has sought contempts of court for violation of the state court injunction on five occasions and been successful in four (a sixth is still pending) the Union has yet to even allege that the Company has violated the injunction, because they cannot.

The Company has filed damage suits against the local Union, the International, and their officers, in the state and federal courts. The state court suit is based on various tort theories of liability and that in the federal court on the Racketeer Influenced and Corrupt Organizations Act or RICO. Both these suits are still pending so it would not be proper for me to comment on them today. I will say,

however, that regarding the federal suit, while RICO has, indeed, been held to cover violence arising in labor disputes, it was not specifically designed for that purpose. Using it is cumbersome and an attempt to "fit a square peg in a round hole." In my opinion, it is imperative that the Hobbs Act be amended to legislatively overturn the Supreme Court's Enmons decision. We would also support proposed legislation to make unions and companies liable for the violent acts of their agents.

David A. Lang
McGlinchey, Stafford, Mintz,
Cellini & Lang, PC
643 Magazine Street
New Orleans, Louisiana 70130

The CHAIRMAN. Thank you. We are happy to have taken the testimony of both of you.

For the record, I think Senator Denton has a statement that we will put in the front of the record, immediately following my statement. There is also a statement by Senator Thurmond as well.

In addition, I have received a copy of a letter directed to Senator Paul Simon, in fact two letters, one to Senator Paul Simon dated—I don't see a date on it, but it has a date at the top that has been stamped on it, February 25, 1985, wherein David Beck, who wrote the letter, president of local 438, Cement, Lime and Gypsum Workers Division of the Boilermakers Union, wrote to Senator Simon and hotly disputes what you gentlemen have been saying here today.

In addition, as part of the record, we will put the second letter that he has sent a copy of, apparently, to Senator Simon. This letter is entitled "Attachment 10-84." It is directed to Mr. McIntyre by Mr. Beck.

We will put both of those in the record for whatever value that may be.

[The letters referred to follow:]

Cement, Lime, Gypsum and Allied Workers Division
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS

TEMPORARY DIVISION OFFICE • 2300 BRICKYALE DRIVE • ELK GROVE VILLAGE, IL 60007 • 312/595-5171

RICHARD A. NORTHRIP
International Vice President
HENRY W. BECHTHOLDT
Division Director

THOMAS W. (CED) RICE
International Representative
10087 Bellefontaine Rd., Suite
St. Louis, MO 63137
(314) 868-8400

FEB 25 1985

Senator Paul Simon
United States Senate
Dirksen Senate Office Building
Room 462
Washington, D.C. 20510

Dear Senator Simon:

The members of Local 438 in and around Joppa, Illinois extend our appreciation for your interest and concern these past months over the Missouri Portland Cement Company labor dispute. The Senate Committee on Labor and Human Resources, of which you are a member, has now scheduled a hearing on the matter for February 27, 1985. We were initially advised by Senator Hatch's staff that of the total hearing time of some four-and-a-half hours on Wednesday, because of the schedule of Company witnesses the Union would be limited to approximately 15 minutes to present its views. This time for our testimony was later extended, but we could not be guaranteed as much as an hour. We have today learned of the probability of a second hearing day at which the Union can present its account.

At the outset, we reaffirm that we do not approve of, condone or encourage violence. In fact, we have actively discouraged it.

Until we are given the opportunity to appear and be fully heard, we would greatly appreciate your advising the other members of the Committee of our position on the following items involved in the proceeding:

1. We are a small local union with limited financial resources representing some 115 members at the Joppa, Illinois plant. Until Missouri Portland Cement was bought out by H.K. Porter, and until the Company imported a team of highly paid outside "consultants," involved in breaking unions, there was a history of peaceful, productive and harmonious labor relations. Since the arrival of the consultants, no one has "won" but the consultants, and the Company has spent many millions of dollars simply to avoid renewing a labor contract with 115 people.

2. As to the hearings for Wednesday, February 27th, the public should expect to hear a contrived, carefully rehearsed script of a play written by the Company over a year ago. The Union members have been solid and resolute in their strike since June 1984. The Company obviously sees as its only chance of any success, a false campaign to discredit our union and it is spending more time sending out press releases than it is in trying to negotiate a contract.

Violence will not help the Union to win the strike, it can only hurt us. Claims and stories of violence, if believed, can only help the Company. The Company has more to gain in this situation by creating violence and they know it.

3. We do not deny that during the first day or two of the strike, when men were reporting for their shift but instead honored the picket line, there were times of massing and jamming at the entrance gate.

You may not have attended many Washington Redskins football games as yet but when you do this fall, we submit the massing and jamming at the stadium entrances will far exceed those of the first few days' problems in Joppa. No one, we repeat no one, has been injured in any way in any picket line incident in Joppa.

4. Both parties in this Joppa dispute sought and obtained a state court injunction prohibiting threats and violence by the other party. After a full hearing on this matter the state court judge issued a Reciprocal Injunction, which ran against both the Company and the Union. That injunction was issued on July 27, 1984, shortly after the strike commenced.

Since that date the Company has on at least six occasions sought contempt proceedings in the state court for violation of the injunction against some persons who are members of Local 438 and against some persons unconnected with Local 438. In each and every instance the state court judge held a full hearing on all the evidence. It is difficult to understand how any federal court could have been more thorough.

5. In a couple of individual, isolated instances a striking employee did "lose his cool" and do an unwarranted spontaneous act. In absolutely no instance was anyone injured. The matter was brought before the Court, heard, and a penalty levied.

Briefly, there are only three such instances that to our knowledge have occurred. In the first case a car ran against a stationary picket, breaking his picket sign. The picket reacted by hitting the windshield of the car with what was left of his

picket sign. Having done that, he walked over and got in the back of a police car just a few feet away so he could be driven to the station and booked. He later called the driver of the car, apologized, and offered to pay for the broken window.

The second, and to our mind the only real serious incident caused by any member, was a case of a member found guilty of throwing a piece of wood at the front corner of a truck as it drove by. The member has and continues to deny that he did it, but the Judge found him guilty. He was ordered to pay some $1200 and sentenced to 45 days in jail. Very frankly, that is a stiffer sentence than many well-known criminals of various types have received in federal courts across the land.

The third and final incident can be considered serious only if you believe the "stinks" (excuse the pun) raised about it by the Company and its rehearsed witness. They claim one of our members rode his bicycle some one hundred feet into the Company property, and with four Company guards standing by watching the bicyclist threw "acid" on the fifth guard. Having done that, the bicyclist turned around rode back out the gate and down the country road with five guards still standing there watching him.

The Massic County Sheriffs office still has the so-called "acid" in its possession in a sealed container. It turned out to be skunk-scent used by hunters during deer season.

No one can claim that bicycle incident was right (and the Judge did fine the rider). To make it into some sort of wild violent incident would be like turning the Jack and Jill nursery rhyme into a case of child abuse.

6. One final matter must be noted. Missouri Portland Cement Company is probably the only Company in the history of this Nation that has ever been permanently enjoined by a Court from:

> "Authorizing, inducing, encouraging or ratifying the actions of any person or persons in dressing in hooded Ku Klux Klan outfits and parading with burning crosses at or near the picket line."

The undenied evidence before the Judge showed that on one night in early July, 1984, while our pickets which included minority members were on the line, an employee inside the plant donned a true, genuine Ku Klux Klan hooded outfit, running toward the pickets.

While one picket left to call the police, the remaining pickets stood their ground. When the police arrived the Company gates were locked and for some two hours the police were denied access. The Company guards claimed they had lost the key to the gates. When the police finally did get in the guards lied. They denied any cross burning, denied any Ku Klux Klan outfit, and claimed no knowledge of any such incident.

One guard finally admitted the lies, and others then did too. However, they produced a sheet with two eyeholes cut out and claimed that as the costume. To this day all but one of the guards involved in the incident is still in the plant and to our knowledge, the true Ku Klux Klan outfit may also be there ready for use at a future date.

When people are ready and willing to lie to law enforcement officers, they will lie to anyone else. We have strange claims of shots in the dark, shots at a house, shots at a van. In every instance, the culprit so precisely placed the shot so that no one was injured.

People inside the plant have guns. One of those hired by the Company was charged with possession of an automatic weapon, indicted, and admitted guilt. We understand that Missouri Portland Cement has kept this gun-toter on its payroll.

It is significant that the only person injured anywhere in this past year was an employee inside the plant, behind their chain link fence, and surrounded by some thirty or forty guards. Fights among those strike breakers brought in from outside the state are common. As a smokescreen the Company wants to blame it all on the Union.

A few years ago, about ninety miles from where your Senate hearing will be held, the Great Coastal Express Company filed suit against a union claiming they were responsible for gun shots, rock throwing and the like. The present script at Missouri Portland Cement Company appears to have been lifted from the Great Coastal Express case. A year or two after the Great Coastal Express Company won a damage suit against the union, a Company vice president admitted that the Company had submitted false affidavits, hired people to shoot at its own trucks, fabricated violence, punctured its own trucks tires and tore up trucks "to get rid of the union." If people at Missouri Portland Cement Company will parade around in Ku Klux Klan outfits, they will follow the rest of the Great Coastal Express script as well.

It does bother us that on Monday of this week, some newspapers have received the pre-arranged, surely rehearsed testimony of Company witnesses all spelled out with questions and answers in quotes. Why the reason for the hearing?

We appreciate any assistance in obtaining a second day of hearing so that we can fully present our case. We are in advance thanking the Committee for their consideration.

Very truly yours,

David Beck

David Beck, President
Local 438, Cement, Lime and Gypsum Workers
Division of Boilermakers' Union

RETURN RECEIPT REQUESTED ATTACHMENT 10-84

Dear Mr. McIntyre:

This is to acknowledge receipt of your October 2, 1984 letter regarding the Reciprocal Permanent Injunction. Your letter appears to be more of an attempt to dummy-up some "evidence"for future court proceedings (by use of your self-serving letter) than it is as a serious attempt to resolve problems. We will, however, treat it with seriousness and consideration which it probably does not deserve.

Your Company in the past has not demonstrated the slightest hesitance in seeking contempt of court citations and/or Grand Jury indictments of pickets and others for any and all reasons. Some of those reasons include even putting their foot one inch inside the Company's open gate. Of the many, many persons whom you have sought to be cited, to my knowledge only two members have been cited for contempt of Court and only one member, who admitted to the incident and sought to remedy his mistake immediately, was indicted for busting a windshield of a car after the car had broken the picket sign he was holding.

As you can see, if the Union took disciplinary action against the many, many you have charged, we would have proceeded against many innocent individuals as determined by a Court or Grand Jury.

The Union has repeatedly and continually advised our members not to engage in violence and we believe that with very few individual exceptions they have done so. As to those very few exceptions, they have received their penalty from the Court and the Union has personally impressed upon them that further instances will result in Union action against them including possible expulsion from membership. Our members repeatedly have been told that violent incidents do not aid the Union and it only plays into the Company's hands, considering the Company's obvious pleasure in reporting such items to the media.

We believe our members understand and have complied with the need for peaceful activity. We believe the Company should examine its own personnel on thse type incidents before looking elsewhere. As you know, and as found by the Court, persons under your direction and control at the Joppe facility conspired with the clear intent of antagonizing our pickets, some of whom are minorities, by having one of the "inside personnel" dress up in a Ku Klux Klan outfit and parade around at night with a burning cross. What other Company in this country has been enjoined by a Court from allowing such activity to continue?

The Union at its membership meetings has and will continue to advise our membership that unlawful acts are not condoned, authorized or encouraged. They have also been advised that it can possibly lead to fines and expulsion depending on the circumstances. We in turn suggest that you control to a much better extent than exists actions of your employees entering and leaving the plant in a manner endangering our pickets.

As a final note, your final paragraph threatens that if we don't take steps "to control these (claimed by you) continuing violations" you will hold me and the Union responsible. If you are serious in saying that, then the left hand of the Company does not know what the right hand is doing. Ever since you've started with your contempt of Court proceedings you've already sought exactly that, although unsuccessfully.

If you are serious in the statements made in your letter, then notify us immediately of any incidents identifying our members (rather than your inside personnel) you claim to be involved in any incidents, the details of the incident and all witnesses involved. We will check it out, advise you of the results of our investigation and the action thereupon taken. If you have alternative suggestions please advise, and they will be considered.

Very truly yours,

David Beck

David Beck

The CHAIRMAN. Now, Mr. Lang, did the FBI ever indicate to you that they were unable to address the strike violence because of the current interpretation of the Hobbs Act?

Mr. LANG. Yes, sir, they did directly on several occasions.

The CHAIRMAN. In all, to your knowledge, how many incidents of violence against company personnel or property have you reported to the State and local authorities since the strike began last June 15?

Mr. LANG. Easily 100 or more such instances.

The CHAIRMAN. Could you detail what instances have been adjudicated in the court of jurisdiction? You can limit it to adjudicated with a contempt citation in the court of jurisdiction, if you can.

Your name is Mr. Mitchell?

Mr. MITCHELL. Yes, sir.

Mr. LANG. Senator, there have been five, four of which have been completed, one of which is still pending. These were individuals who were brought up for acts involving violation of the restraining orders issued by the State court, one involving Garold Blanchard, Robert Wood, Rod Crim, Robert Walker, all of whom were convicted for contempt of the court order for breaking windshields and stopping a serviceman from entering the plant to service business machines.

A second one involves 11 persons, members of other unions, for trespass and throwing of nails. A third one involves Randy Woods for throwing caustic liquid into a van of guards. A fourth one involves Jeff Adams for throwing a log through a windshield. There is a fifth one which is pending against Carl Medley for throwing a rock through a windshield of a Security Resources van.

The CHAIRMAN. Mr. Lang, you say there have been no criminal indictments. Why not? Has evidence been lacking? Have people been unwilling to come forth and testify? Or why is that so?

Mr. LANG. The only explanation we have, Senator, is that the local law enforcement authorities are unwilling to properly prosecute the case. There has been no lack of evidence whatsoever. There has been no lack of witnesses. The same evidence in the

form of videotapes clearly showing criminal violations has been made available to the prosecuting authorities and to the law enforcement officials. The same witnesses who testified in these proceedings where contempt citations were obtained are available to testify in criminal proceedings, and yet not a single criminal indictment has been returned.

The CHAIRMAN. Let's look at some of the cases. How many incidents of shooting have been reported to the authorities?

Mr. LANG. Approximately six shootings.

The CHAIRMAN. Were there more than six or less than six?

Mr. MCINTYRE. We have police reports on six shootings that occurred relative to our employees.

The CHAIRMAN. Could you provide the committee with the police reports concerning these shootings?

Mr. MCINTYRE. Yes, sir.

The CHAIRMAN. We will put those in the record. Are they here? Do you have them?

Mr. MCINTYRE. Yes.

The CHAIRMAN. We will put those in the record at this particular point.

The CHAIRMAN. Did you examine those police reports?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. As I understand it, this exhibit will include the report concerning the shooting of the company transportation bus on July 19, 1984, is that right?

Mr. MITCHELL. That is correct, Mr. Chairman.

The CHAIRMAN. It includes the shooting into Wade Parker's car on July 26, 1984. Is that right?

Mr. MITCHELL. That is correct.

The CHAIRMAN. It also includes the shooting of a bus carrying a night shift of guards on August 9, 1984. Is that right?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. And a shot fired near the company's main gate on August 13, 1984.

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. A shot fired into the main gate on August 19, 1984.

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. And shots fired at a company van leaving the plant on August 27. Is that right?

Mr. MITCHELL. That is correct.

The CHAIRMAN. Now, it appears to me from what you have said, Mr. McIntyre, that you do not have police reports on two of the major shooting incidents that both of you have mentioned. One was a number of shootings into Delbert Sullivan's house, I guess the one on July 24, 1984, and the shooting into a company van on November 4, 1984.

Mr. MCINTYRE. That is correct.

The CHAIRMAN. Is there any reason for that?

Mr. MITCHELL. Perhaps I can answer that, Senator, at least partly.

The police reports that we have were produced pursuant to a subpoena which we issued to the State police asking for all reports

through October 31, and the incident involving the shooting into the van took place after that.

Now, Mr. Sullivan's house was fired into prior to that, and we do not know why no report was forthcoming.

The CHAIRMAN. We will introduce those reports into the record as McIntyre exhibits Nos. 1, 2, 3, 4, 5, and 6.

[McIntyre exhibits Nos. 1, 2, 3, 4, 5, and 6 follow:]

McINTYRE Exhibit #1

ILLIN 3 DEPARTMENT OF LAW ENFORCE NT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
84P2062	July 9, 1984	S/A Edwin Thrailkill #2482		
Subject:	Case Agent:	Office:	Typed By:	Date:
MISSOURI PORTLAND CEMENT CO.	Thrailkill	Zone 13	ac	8/14/84

On Monday, July 9, 1984, the reporting agent interviewed MR. RALPH JOHNSON, President of TROUBLE SHOOTERS, INC., 835 W. Jefferson, Louisville, Kentucky, 40202, telephone: 502/584-2376. JOHNSON was interviewed in reference to an incident involving the apparent shooting of a transportation bus with a firearm, by persons unknown.

RALPH JOHNSON advised that one (1) of the school buses, converted to transport security guards to and from the MISSOURI PORTLAND CEMENT COMPANY plant, at Joppa, Illinois, was traveling on Illinois Route 45, toward the cement plant. Reportedly two (2) sounds were heard by bus riders. Those persons on the bus did not know if they had heard gunshots or firecrackers.

After reaching the cement plant, the bus was inspected for any damage. Two (2) areas on the right side of the bus appeared to have been hit by pellets from a shotgun.

JOHNSON described the first area of damage as being approximately two to two and one-half (2-2½) feet in diameter, located approximately six to eight (6-8) feet behind the front door, on the right side. The second area of damage was described as near the right rear of the bus, on the right side. The damage appeared to have been caused by pellets from a shotgun, with a glancing appearance, as if the bus was past the shooter when hit.

JOHNSON indicated plant officials called him first, he then called the Illinois State Police.

JOHNSON advised that pictures were taken of the damaged bus, and copies would be forwarded to the reporting agent.

An Illinois State Police Field Report in reference to the incident is attached to this report.

Dissemination:

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement. It and its contents are not to be disseminated outside your agency.

Mt. Terry #2

COMPLAINT REPORT – MASSAC COUNTY SHERIFF'S DEPARTMENT

Case No. 2340

Ronald D. Tucker, SHERIFF

OFFENSE CLASSIFICATION: CRIM DAMAGE VEH **Reporting Officer:** Deputy Michael Smith #13 (Signature)

Page 1 of ___

1. Date and time occurred, day of week	2. Location of occurrence ☐	3. Date/time reported to department
07-25-84 9:15PM WEDNESDAY	MT. MISSION RD AT U.S RT 45	07-25-84 9:31PM

4. Victim (firm name if business) ☐	race	sex	age	occupation	5. Home address (business address if firm)	6. Home phone	7. Business phone
JUANITA L. PARKER	W	M	20	N/A	RT. 1 METROPOLIS, ILL.	524-5870	
Person reporting				(relationship to victim)	9. Home address	10. Home phone	11. Business phone
AMY PARKER				MOTHER	SAME AS ABOVE	524-5870	
12. Person who discovered crime				(relationship to victim)	13. Home address	14. Home phone	15. Business phone
JUANITA L. PARKER					SAME AS ABOVE	524-5870	
16. WITNESS(ES) Name - age - (relationship to victim) ☐					17. Home address	18. Home phone	19. Business phone
1.							
2.							
3.							

20. Type of premises or location where offense was committed ☐	21. Name of subdivision/apartments/park/bus. center
COUNTY RD.	RURAL AREA

22. SUSPECT(S) Available description - If arrested full identification including booking - I.D. Nos. ☐	23. Arrested	24. Citation No.(s)
1.	Yes ☐ No ☐	
2.	Yes ☐ No ☐	
3.	Yes ☐ No ☐	

25. Vehicle used by suspect(s) year - make - body type - color - license no. - any other identification ☐	26. Direction of travel from scene: Unk. ☐
FULL SIZE VEHICLE, FOUR FRONT HEAD LIGHTS	N ☒ S ☐ E ☐ W ☐ Auto ☐ Foot ☐ Other ☐

27. Injuries to person(s) Describe - use wound chart Yes ☐ No ☐ Hospital _____ Ambulance _____

NONE

28. Damage to property Describe - Est. value - Ownership ☐

DRIVER'S SIDE REAR WINDOW AND PASS SIDE FRONT VENT WINDOW $150.00 EST. DAMAGE

29. Point where entrance was made ☐	30. Method used to gain entry ☐	
N/A	N/A	
31. Instrument used (describe) ☐	32. Where were occupants at time of offense	33. Weapon - force used against person ☐
N/A	INSIDE VEHICLE	GUN OF SOME TYPE
34. Type property taken	35. Exact location of property when stolen - or location of victim if crime against person ☐	
N/A	MT. MISSION RD. JUST OFF OF RT. 45	
36. Apparent motive	37. Trademark of suspect(s) - Actions/conversation ☐	38. Victims activity at time of offense ☐
UNKNOWN	UNKNOWN	DRIVING HOME

39. INVESTIGATIVE ACTION TAKEN: Int. V Yes ☒ No ☐ Int. W Yes ☐ No ☒ Int. S Yes ☐ No ☒ Take photos Yes ☒ No ☐
Obtain latent prints Yes ☐ No ☒ Locate footprints Yes ☐ No ☒ Recover evidence Yes ☐ No ☒ Neighborhood check Yes ☐ No ☒
Alarm defeated Yes ☐ No ☒ Safe attacked Yes ☐ No ☒ Any investigative leads Yes ☐ No ☒ Investigator called out Yes ☐ No ☒

40. DESCRIPTION OF PROPERTY STOLEN Est. Value - Entered into NCIC Yes ☐ No ☐ Any recovery Yes ☐ No ☐

9315 N

48

41. NARRATIVE: Summarize details and events - Refer to item number when appropriate.

ON 07-25-84 AT 9:31 PM I WAS CALLED TO THE PARKER RES ACROSS FROM FRANKLIN SCHOOL. SHERIFF TUCKER WAS WITH ME. UPON MY ARRIVAL, I MET WITH STEWART PARKER AND HIS MOTHER (MARY PARKER. STEWART SHOWED ME HIS 1981 VOLKSWAGON SCIROCCO 3 DOOR (SILVER IN COLOR, LICENSE LUS-8) THE DRIVER'S SIDE REAR WINDOW HAD BEEN SHATTERED AND IT APPEARED A BULLETT OR SOME OBJECT OF THAT NATURE HAD GONE THROUGH IT. THE PASS SIDE FRONT VENT WINDOW WAS ALSO BROKE. ANOTHER HOLE WAS FOUND IN IT WHERE THE OBJECT HAD APPARENTLY EXITED.

STEWART STATED HE WAS DRIVING HOME ON U.S. RT. 45 AND HAD JUST TURNED EAST ONTO MOUNT MISSION RD. HE SAID HE BENT FORWARD IN HIS SEAT TO LOCATE A CASSETTE TAPE AND HEARD WHAT HE THOUGHT WAS A FIRE CRACKER. HE SAID THE GLASS THEN SHATTERED IN HIS CAR AND HE KN IT HE HAD BEEN SHOT AT.

HE COULD OFFER NO DESCRIPTION OF THE SUSPECT VEHICLE OR SUBJECTS INVOLVED, ONLY THAT A FULL SIZE CAR WITH FOUR QUAD HEAD LAMPS WAS BEHIND HIM.

SHERIFF TUCKER ADVISED HE AND HIS MOTHER THAT THE S/O WOULD BE OUT TO PHOTOGRAPH THE VEH ON 07-26-84.

42. Complaint No.

43. Assisting officer(s) DCI AGENT ED THRAILKILL

44. Date and time written 07-26-84 3:46 AM

45. Signature of supervisor

Date/Time

46. Case status
Unfounded ☐ Forward to investigation ☒
Cleared by arrest ☐

47. (Investigative Only)
Inv. Assigned ___ Date ___
How Cleared? ___ Date ___
Filed Open ☐ Closed ☐ Reopened Date ___

49

McINTYRE #3

ILLINOIS DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
84P2062	August 10, 1984	S/A Edwin Thrailkill #2482		
Re: MISSOURI PORTLAND CEMENT COMPANY	Case Agent: Thrailkill	Office: Zone 13	Typed By: ac 8/15/84	Date:

On Friday, August 10, 1984, the reporting agent interviewed KENNETH HUBERT SLAY, W/M, DOB: 6/23/41, 208 Deverill Street, Ludlow, Kentucky. SLAY provided the telephone number of his landlord, (606) 431-7688, who lives near his home.

KENNETH SLAY is employed by NOCKLES SECURITY ASSOCIATION, Cincinnati, Ohio, as a bus driver and security guard. He is currently assigned to the MISSOURI PORTLAND CEMENT COMPANY PLANT in Joppa, Illinois.

SLAY advised the reporting agent that on Friday evening, August 9, 1984, he was driving a bus, with the night shift of guards, to the cement plant at Joppa, Illinois. SLAY indicated they had driven north on Route 45, out of Metropolis, Illinois, then west on the Joppa Road, County Road 990N, to Massac County Road 550E. This road bypasses the town of Joppa, and the obvious problems they would encounter there.

About one-half (½) mile before reaching Road 550E, SLAY indicated his bus was passed by one passenger car. As they turned onto Road 550E, this same vehicle was sitting in the middle of that road. The car proceeded slowly down the road, stopping to talk to a woman, located at the second house on the left of Road 550E, which has a consignment sale barn located behind it. The woman at this house was described as white, in her 20's or 30's, and had a child with her. The car then slowly proceeded down the road until they reached an area approximately one-half (½) mile east of the COMMERCIAL TRANSPORT Truck Dock. At this point the road narrows and crossed a bridge over a small creek. The car slowed almost to a stop. At this point, a loud sound occurred, which KENNETH SLAY and the other bus riders believed to be a gunshot. The car in front of them sped up, and SLAY sped up in an attempt to keep up with the car. SLAY advised that TIM CHANDLER, riding in the bus, began taking pictures of the car in front of them. They prceeded to the COMMERCIAL TRANSPORT dock where they parked the bus. Inspection for damage revealed the left front tire of the bus had been punctured and was going flat. When the tire was changed, a bullet, or a fragment thereof, was discovered between the inside of the tire and the inner rim of the wheel.

The car which was in front of the bus was described as a Mercury Cougar, medium brown top over a dark brown body, with Illinois license plate NC 7284. The driver was described as a white female, 30's or 40's, medium to heavy build.

After replacing the tire at the COMMERCIAL TRANSPORT Truck Dock, the bus proceeded to the MISSOURI PORTLAND CEMENT PLANT. No further trouble ensued. The vehicle in question was not at the plant entrance at this time.

KENNETY SLAY advised that he did not know where the sound came from, at the time he heard it, and did not see anyone or anything around the area where it occurred.

Dissemination:

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

DLE4-3 (5/77)

66

SLAY indicated the Illinois State Police were called. When they arrived they were given an envelope containing the bullet fragment recovered from the left front tire when it was changed.

Also present during this interview was BRUCE EDWARD AGEE, N/M, DOB: 3/8/56, of 7308 Dunkirk Lane, Louisville, Kentucky, telephone (502) 935-9252. MR. AGEE is also employed by the NOCKLES SECURITY ASSOCIATION, in a supervisory position.

A copy of an Illinois State Police Field Report in reference to this incident is attached to this report.

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 1-2
2. How I.S.P. Initially Notified:
3. Initial Notification: Date 08.09.84 Time 6:20 AM/PM
4. Incident Occurrence: Date 08.09.84 Time 6:03 AM/PM
5. Number: F1384-1257

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Prelim. Investigation 4. Pol. History Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Inventory 8. Intoxilyzer Treatment Act

6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White B- Black I- Amer Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Gray 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR - COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Gray or Part. Gray 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10a. INJURIES: 1. Killed 2. Fractures 3. Stab Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bottle 9. Vehicle 0. Other

12e. CASE STATUS: 0. Unfounded (False or Baseless Complaints) 1. Referred to Responsible Jurisdiction 2. Pending Investigation
CLEARED BY ARREST: 3. Adult 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearance-Adult 8. Other Exceptional Clearance-Juv. 9. Case Administratively Closed

9. Brief Description: ATTACK TO MOTOR VEHICLE (GUN SHOT)
a. Location: MASSAC RD 450E 1/4 MI E of COMMERCIAL TRANSPORT CO - MASSAC
City: — County/Township: 13

b. Investigating Officer (Print or Type - Last, First, Middle): BURK HAVEN E | I.D. No.: 601 | Dist. No.: 13
c. Response Vehicle: *2 (13-49)
d. Assisting Officer (Last, First, Middle): MORSE ARNOLD M | I.D. No.: 1380 | Dist. No.: — | e. Response Vehicle: *

DR
a. Name (Last, First, Middle): SLAY, KENNETH H.
b. Home Address: 2134 DONALDSON COVINGTON, KY
c. Telephone: —
d. Business Name and Address: N/A
e. Soc. Sec. No: 257-62-0373 | f. D.O.B.: 01,23,41 | g. Sex: M | h. Race: *W | i. Ht.: 5-05 | j. Wt.: 190 | k. Color Eyes: *2 | l. Color Hair: 2 | m. Complex.: MED | n. Build: *1 | o. Mar. Status: *1 | p. Scars - Tattoos - Deformities - Amputations: NONE
q. Driver License No.: 3400 4653 19XX KY | r. Date Arrested: / / NONE | Time: AM/PM | s. Location of Arrest: NONE | t. Offense Section: N/A | u. A/C: N/A | v. Where Held: N/A

DR
10. a. Place of Birth: N/A | b. Alias: N/A | c. Injuries: *N/A | d. Address where treatment given: N/A | e. I.S.P. Ticket No.: N/A | f. CIB Case No.: N/A
11. a. Ct. Appr. Date: N/A | b. Date Miranda Given / / Time: N/A AM/PM | c. Officer Name: N/A | I.D. No.: | d. Fingerprinted by: N/A | e. Date: N/A | f. Bond: N/A | g. Occupation: DRIVER | h. FBI No.: N/A | i. IBB No.: N/A
12. a. Weapon: * | b. 1. 2. Alcohol Involved / Drugs Involved | c. Case Status: * | d. Place | e. Method: 400 | f. Property Code: 822 | g. Recovery Code | h. Property - Value: $ 2,000.00 | STOLEN | RECOVERED | DAMAGED | i. LEADS Message No.

a. Name (Last, First, Middle) | b. Home Address | c. Telephone | d. Business Name and Address
e. Soc. Sec. No | f. D.O.B. | g. Sex | h. Race | i. Ht. | j. Wt. | k. Color Eyes | l. Color Hair | m. Complex. | n. Build | o. Mar. Status | p. Scars - Tattoos - Deformities - Amputations
q. Driver License No. | r. Date Arrested / / Time | AM/PM | s. Location of Arrest | t. Offense Section | u. A/C | v. Where Held
10. a. Place of Birth | b. Alias | c. Injuries | d. Address where treatment given | e. I.S.P. Ticket No. | f. CIB Case No.
11. a. Ct. Appr. Date / / | b. Date Miranda Given / / Time | AM/PM | c. Officer Name | I.D. No. | d. Fingerprinted by | e. Date / / | f. Bond | g. Occupation | h. FBI No. | i. IBB No.
12. a. Weapon | b. 1. 2. Alcohol Involved / Drugs Involved | c. Case Status | d. Place | e. Method | f. Property Code | g. Recovery Code | h. Property - Value | STOLEN | RECOVERED | DAMAGED | i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13110934K02

13. a. Color: WHITE | b. Year: CHEV | c. Mfg. Trade Name: CHEV | d. Body Style: PA-35. BUS | e. Year/State: 84 OHIO | f. License No.: P062197 | g. Vin: ~~UNKNOWN~~ 1
h. Owner: KNUCKLES & ASSOC | i. Address: CINN, OHIO | j. Telephone | k. Est. Damage
14. Recd. | Investigating Officer: E Burk | a. Date: 08.09.84 | b. Copies to: DIS 13 - MASSAC CO STA ATTY | Quality Check: Initial | I.D. No. | Lot 1 Loc

DLE 5-49 (9-81)

THIS DOCUMENT IS CONFIDENTIAL AND CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE ILLINOIS STATE POLICE. THE CONTENTS OF THIS DOCUMENT ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE

ON 08-06-84, TPR BURK AND TPR MORSE WERE NOTIFIED OF A SHOOTING EAST OF PORTLAND CEMENT CO. VEHICLE INVOLVED WAS AT COMMERICAL TRANSPORT CO - JOPPA, IL. BOTH TROOPERS RESPONDED ARRIVING AT SCENE AT 6:40PM. IT WAS DETERMINED THAT A SHOT WAS FIRED, POSSIBLY FROM FENCE ROW, SOUTH SIDE OF ROAD, ABOUT 1/4 MI EAST OF COMMERICAL TRANSPORT, BULLET HIT LEFT FRONT TIRE OF BUS. FRAGMENT OF BULLET FOUND INSIDE TIRE, BULLET HIT RIM AND PENETRATED TIRE. A PASSENGER ON BUS TIMOTHY C. CHANDLER TOOK A PICTURE OF VEHICLE, BEARING ILLINOIS LICENSE PLATE DRIVEN BY W/FEMALE. IT IS THOUGHT BECAUSE THE VEHICLE HAD BEEN IN FRONT OF BUS FOR 3 MILES, AND SOMETIMES SLOWED DOW. VERY SLOW, CAUSING BUS TO SLOW, THIS GAVE A CHANCE FO UNKNOWN PERSON TO BE IN FENCE ROW TO FIRE AT BUS. WE TALKED TO MR + MRS. S. L. ROUNDTREE LIVING CLOSE BY. THEY STATED THEY HEARD A POSSIBLE SHOT, BUT SAW NOTHING. TPR. BURK AND MORSE SEARCHED WEEDS + AREA FROM WHERE SHOT MAY HAVE CAME FROM, BUT FOUND NOTHING. BUS WAS TAKING NIGHT SHIFT (2 & GUARDS) TO PORTLAND CEMENT. BRUCE AGEE, HEAD OF SECURITY WAS A WITNESS TO INCIDENT, AND ASSISTED US IN CHECKING AREA OF SHOOTING. DET. REINEKING WAS CONTACTED BY PHONE, BRIEFED A LIST OF ENTIRE PASSENGERS ON BUS ATTACHED. DAMAGED TIRE ON RIM IS AT COMMERICAL TRANSPORT JOPPA. IL. (FRAGMENT OF BULLET TURNED OVER TO REINEKING.

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DLE 43 (1149) DEPARTMENT C .AW ENFORCEMENT EVID' :E/EXPENDITURE REPORT

Division No.	Crime Code (This Offense)	Date of Action	Day	Time of Action
SAP 2062	6003 / 3100	08/10/'84	Friday	8:25 AM

Subject: A PARTY OF TROUBLE SHOOTERS, INC.

Race - Sex - DOB (If not Previously Reported): —

Co. of Incident	Address	City	Vehicle Used in Offense (Make, Year, License, State)
MASSAC		METROPOLIS	—

Funds Were: Disbursed by This Agent: Yes ____ No —— Provided By This Agent To: ____ (If Other, Circle Appropriate Name)

REPORT CODE	EXHIB. NO.	UNITS/ QUAN.	SPECIFY AND DESCRIBE ITEM*	DRUG WT. IN GMS.	LEGAL VALUE	COST/ ILLEGAL VALUE	FUNDS** DIV		Other	STORAGE CODE
OS	3	1	BULLET FRAGMENT	—	0	—	—		—	26

REPORT CODES

DRUGS
- Purchase ..... DP***
- Seizure ..... DS
- OAF Recovery ..... DR
- Split Transaction ..... DX
- Buy-Arrest ..... DB

GAMBLING
- Bet ..... GB
- Winnings ..... GW
- OAF Recovery ..... GR

INFORMATION/SERVICES
- Purchase ..... IP

OTHER
- Purchase ..... OP
- Seizure ..... OS
- OAF Recovery ..... OR
- Buy-Arrest ..... OB
- Property Found ..... OF
- Split Transaction ..... OX
- Not Seized (Photos, Tapes, Etc.) ..... ON
- Expense Payment ..... EP
- Stolen Prop. Recovery ..... ST
- Pharm. Collection ..... PC

STORAGE CODES

1. Headquarters
2. Zone 1
3. Zone 2
4. Zone 3
5. Zone 4
6. Zone 5
7. Zone 6
8. Zone 7
9. Zone 8
10. Zone 9
11. Zone 10
12. Zone 11
13. Zone 12
14. Zone 13
15. Zone 14
16. Zone 15
17. Zone 16
18.
19.
20. Maywood Lab.
21. Rkford Lab.
22. Rk Island Lab.
23. Pekin Lab.
24. Joliet Lab.
25. Fairview Hts. Lab.
26. DeSoto Lab.
27. Champaign Lab.
28. Spfld. Lab.
29. Chgo. P.D. Lab.
30. U.S. Chemist Lab.
31. FBI Lab
32. Other (specify)

* Specify whether Bookmaking, Policy, Drugs, Guns, Pocket, Firearms, Juice, Stolen Goods, Heroin, Cocaine, Cannabis, Etc.
**Show specific grant or other agency funds.
***Use name of purported substance.

W. E. Thrailkill 2482 13
CASE AGENT — I.D.# — ZONE #

W. E. Thrailkill 2482 13
REPORTING AGENT — I.D.# — ZONE #

Richard N. Evans 9-16-84
(APPROVED) (DATE)

ADMINISTRATIVE USE ONLY – DO NOT DISSEMINATE

SET OF 5 SHEETS: WHITE – CASE FILE GREEN – FISCAL CANARY – CASE AGENT PINK – MIS GOLDENROD – CS

64

DAILY TIME SHEET

ATE _____ /DAY _____

MPL.EE	DAY	NIGHT	ABSENT	MEALS	TIME ON DUTY	TIME OFF DUTY	TOTAL HOURS
NIGHT SHIFT							
~~Irvin, Victor~~				3 4 7			
asley, Mike		P		3 4 7			
ampbell, Lloyd		P		3 4 7			
handler, Tim		P		3 4 7			
ollins, Dick		P		3 4 7			
ouch, Rodney		P		3 4 7			
orsey, David		P		3 4 7			
ubanks, Jim		P		3 4 7			
~~[illegible]~~				3 4 7			
~~[illegible]~~				3 4 7			
lat , Chuck		P		3 4 7			
oldbrook, Walter		P		3 4 7			
~~[illegible]~~				3 4 7			
uts, Harold		P		3 4 7			
oore, Albert		P		3 4 7			
oore, Thomas		P		3 4 7			
oss, Todd		P		3 4 7			
almer, William		P		3 4 7			
umphrey, Mike		P		3 4 7			
eadus, James		P		3 4 7			
eece, Randy		P		3 4 7			
oberts, Scott		P		3 4 7			
ay[illegible]ers, William		P		3 4 7			
ewell, Robert		P		3 4 7			
~~[illegible]~~				3 4 7			

1.2

DAILY TIME SHEET

DATE _____ /DAY _____

EMPLOYEE	DAY	NIGHT	ABSENT	MEALS	TIME ON DUTY	TIME OFF DUTY	TOTAL HOURS
DRIVER Slay, Kenneth		P		5 4 7			
~~Tetzner, Joe~~				5 4 7			
Williamson, Tom		P		5 4 7			
GULLY OSCAR		P					
~~GUNNY~~				[redacted]			
DUTTON, BRYAN ~~Lockridge~~		P		5 4 7			
AGEE, BRUCE ~~Curtis, Earl~~		P		5 4 7			
HEATHENS, TIM ~~Curtis, Glenn~~		P		5 4 7			
ALLEN, NICK ~~Friend, Mike~~		P		5 4 7			
~~Hawkins, Ben~~				5 4 7			
ROCKFELL ~~Gentry~~		P		5 4 7			
TAYLOR DAVID ~~Fr~~ ~~M. Gene~~		P		5 4 7			
Ward, Gene				5 4 7			
Webb, Mike				5 4 7			
Wood, James				5 4 7			
							12

B.T. [ ]

DEPARTMENT OF LAW ENFORCEMENT
STATE OF ILLINOIS
SCIENTIFIC SERVICES
EVIDENCE RECEIPT
(TYPE OR USE BLACK BALL POINT PEN ONLY — INSTRUCTIONS ON BACK)

8492062

LABORATORY CASE NO. 1

Page ___ of ___

AGENCY DATA

(1) Agency Name: Ill. Dept. Criminal Investigation
(2) Agency County: Macoupin
(3) Phone Number: 618/ 733-2828
(4) NCIC No.: 01100
(5) Agency Case No.: 84-452
(6) Report To: S/C Trumbull
Agency Address: 2209 W. Main City: Illinois Zip Code: 62059
(7) Offense: Theft Over $150
(8) Location: Macoupin County
(9) Date Occurred: 10/6/84
(10) Suspect(s) Name(s), Sex, Race, DOB:
(11) Victim(s) Name(s), Sex, Race, DOB: Topsoil Systems, Inc.
(12) Signature of Submitting Officer: S/C Trumbull 3452
(13) Printed Name of Submitting Officer: S/C Trumbull 3452
(14) Received From:

EVIDENCE INVENTORY

(15) Lab Exhibit Number	(16) Agency Exhibit Number	(17)
1	3	(18) Description of Evidence (Item Initialed): One (1) bullet or fragment of.

(19) Lab Use Only

EVIDENCE CHAIN

RECEIVED

(20) Lab Exhibit Number(s)	(21) Date	(22) Signature of Laboratory Employee	(20) Lab Exhibit Number(s)	(21) Date	(22) Signature of Laboratory Employee
1	1				

RELEASED

(23) Lab Exhibit Number(s)	(24) Date	(25) Laboratory Employee	(26) Released To:

REQUEST

(27) Case Summary and Questions to be Resolved:

Gun owned by victim fell from tree when victim was shot. Bullet (projectile) went through tree, lodged between tree and inner tube of tire.

Examine caliber and for any significant information.

61

DL-84-38 (REV. 5/84)

DEPARTMENT OF LAW ENFORCEMENT
DIVISION OF SUPPORT SERVICES
SAM W. NOLEN - DEPUTY DIRECTOR

Springfield Laboratory
2168 South Ninth Street
Springfield, Illinois 62703
(217) 782-4975

Division of Criminal Investigation, Zone #13
2209 West Main
Marion, Illinois 62959

Agency #84P2062

Attention: Special Agent E. Thrailkill

Laboratory #D84-0832

September 24, 1984

OFFENSE: Illegal Use of Weapons

VICTIM: Trouble Shooters, Inc.

The following is a summary of the analytical findings on evidence received from Mary Staniszewski of the DeSoto Laboratory on August 23, 1984.

EXHIBIT	DESCRIPTION	FINDINGS
#1	One spent projectile	Exhibit #1 consists of a mass of lead and two small brass fragments. Exhibit #1 could be a bullet. No other significant information could be determined.

EVIDENCE DISPOSITION:

The above evidence will be returned to the DeSoto Laboratory.

RESPECTFULLY SUBMITTED

Krail N. Lattig
Forensic Scientist

KNL:ic
cc: DeSoto Laboratory

ILLINOIS DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
84P2062	August 10, 1984	S/A Edwin Thrailkill #2482		
Subject:		**Case Agent:**	**Office:**	**Typed By:** / **Date:**
MISSOURI PORTLAND CEMENT COMPANY		Thrailkill	Zone 13	ac 8/15/84

On Friday, August 9, 1984, Illinois State Police Trooper H. E. Burk, recovered one (1) bullet projectile or fragment from the tire of a NOCKLES SECURITY bus which was damaged, and relayed it to S/A Reineking.

On Friday, August 10, 1984, the reporting agent received one (1) bullet projectile or fragment thereof from S/A Bill Reineking.

A Department of Law Enforcement Evidence Inventory and Receipt Form, indicating the transfer of possession, is attached to this report.

Dissemination:

DLE4-3 (8/77)

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

DEPARTMENT OF LAW ENFORCEMENT EVIDENCE INVENTORY AND RECEIPT

1. Date 8-10-84 3. Case File No. 84P2062
2. Time 9:35 a.m. 4. District No. 2 13

5. Name or Place of Business	6. Address and City
Bill Rinkey	206 Dr. Chas Inn. 20 mi S Marion, Ill.

7. ITEMIZED LIST OF EVIDENCE (List all items by name & serial no., if any, amount of currency, coins etc.)	8. LOCATION EVIDENCE FOUND (Specify Location)
Wht Envelope Containing	Taken From Bag
Deformed Fragment of	Rec Exh Plat 10 on
a Bullet	1987.

9. Received From (Signature)	10. Received By (Name, Rank and I.D. No.)
Det. [illegible] #66	[illegible]

DLE1-10 (12/77)

58

ILLIN .S DEPARTMENT OF LAW ENFORCE NT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
84P2062	August 20, 1984	S/A Ed Thrailkill #2482		
Subject:	**Case Agent:**	**Office:**	**Typed By:**	**Date:**
MISSOURI PORTLAND CEMENT COMPANY	Thrailkill	Zone 13	jw	08/21/84

On Monday, August 20, 1984, the reporting agent received, by mail, a seniority list of employees, listed with the MISSOURI PORTLAND CEMENT COMPANY plant, located in Joppa, Illinois, current as of June 23, 1984.

MISSOURI PORTLAND CEMENT COMPANY also provided the reporting agent with photographs taken, in reference to the August 9, 1984 incident involving the security guard transport bus which had it's left front tire shot.

Copies of the employee list and photographs are attached to this report.

Dissemination:

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

DLE4-3 (8/77)

SENIORITY LIST - JOPPA PLANT
JUNE 23, 1984

101	B. Milligan	20-63
103	R. Whitehead	6-17-63
109	P. Little	6-25-63
116	L. Robertson	7-15-63
115	A. Finney	7-15-63
122	D. Rushing	7-22-63
118	J. Wilson	7-22-63
123	W. Hatfield	7-22-63
119	O. Emerson	7-22-63
121	K. Kerr	7-22-63
127	J. Collie	7-23-63
126	J. Anderson	7-23-63
129	J. Hizell	7-25-63
130	R. King	7-25-63
133	H. Fort	8-05-63
138	R. Owens	8-15-63
145	J. Sielbeck	9-18-63
151	C. Anderson	10-31-63
152	B. Brewer	11-11-63
155	H. Mitchell	3-18-64
156	M. Ellerbusch	3-19-64
157	E. Lugeman	3-19-64
163	J. Shrum	10-21-64
175	T. Pryor	7-11-66
176	B. Arnold	4-13-67
178	J. Baker	4-18-67
179	A. Snell	4-24-67
181	J. McCuan	5-22-67
182	C. Medley	5-22-67
194	B. Rankin	4-15-68
193	J. Cozart	4-15-68
192	J. Rodgers	4-15-68
196	B. Korte	4-17-68
198	C. Culver	4-22-68
197	C. Thomas	4-22-68
199	C. Barnett	4-30-68
204	E. Rottmann	6-05-68
211	S. Fitzpatrick	8-04-69
216	D. Anderson	6-15-70
220	B. Fletcher	3-22-71
228	L. O'Brien	9-27-71
238	J. Greer	10-04-73
241	G. Blanchard	10-16-73
240	R. Christian	10-16-73
245	D. Goins	6-24-74
248	R. Mansfield	8-26-75
249	S. Brenningmeyer	8-27-75
250	L. Steinkamp	12-02-75
272	D. Beck	8-23-76
273	L. Burnham	8-23-76
252	G. Sommer	10-05-76
275	J. Cagle	11-01-76
274	M. Fiorentini	11-01-76
276	H. Palmer	12-27-76
280	J. Clayton	5-16-77
281	D. Jeffords	5-16-77
279	J. Kester	5-16-77
278	N. Rando	5-16-77
277	J. Fiorentini	5-16-77
290	D. Edwards	7-25-77
291	L. Bremer	7-25-77
292	I. Jennings	7-25-77
293	M. Kennedy	7-25-77
294	B. Wood	8-01-77
260	W. Baker	8-08-77
295	J. Barham	8-08-77
296	D. Ashby	8-08-77
297	R. McNichols	8-08-77
298	R. Crim	8-08-77
299	J. Adams	8-22-77
300	R. George	8-22-77
301	C. Bass	8-22-77
302	R. McClennan	8-22-77
303	D. Peck	8-22-77
304	J. Corzine	9-29-77
305	R. Barnhill	9-29-77
306	E. Barnes	9-30-77
307	S. Nelson	9-30-77
308	S. Tanner	9-30-77
309	T. Mitchell	10-31-77
310	B. Lillie	10-31-77
311	D. Bunting	10-31-77
312	R. LaGore	1-09-78
314	C. Johnson	1-09-78
315	D. Hooks	1-09-78
316	B. Murphy	3-06-78
317	R. Woods	4-24-78
318	J. Sheckles	4-24-78
320	W. Trovillion	4-24-78
326	D. Staton	5-23-78
328	B. Walker	5-30-78
339	F. Benton	6-01-78
340	T. Taylor	6-01-78
342	D. Meyer	6-01-78
362	M. Neal	6-26-78
365	E. Bowman	7-03-78
366	R. Rose	7-03-78
368	M. Medley	7-17-78
369	B. Proctor	7-17-78
370	L. May	7-17-78
371	S. May	7-17-78
372	W. McGinnis	7-17-78
373	C. Short	7-17-78
374	W. Mittendorf	7-24-78
377	B. Darnell	8-07-78
379	J. Swink	8-28-78
381	D. Duley	8-28-78
382	C. A. Johnson	8-28-78
383	D. Fix	9-05-78
386	R. Johnson	9-18-78
387	K. Sommer	9-25-78
411	W. Altenberger	9-06-83
412	L. Kaylor	9-19-83
413	B. Hubbs	9-19-83
414	J. Thomasson	9-26-83
415	R. Fogle	10-10-83

SENIORITY LIST - JOPPA PLANT - SUMMER EMPLOYEES

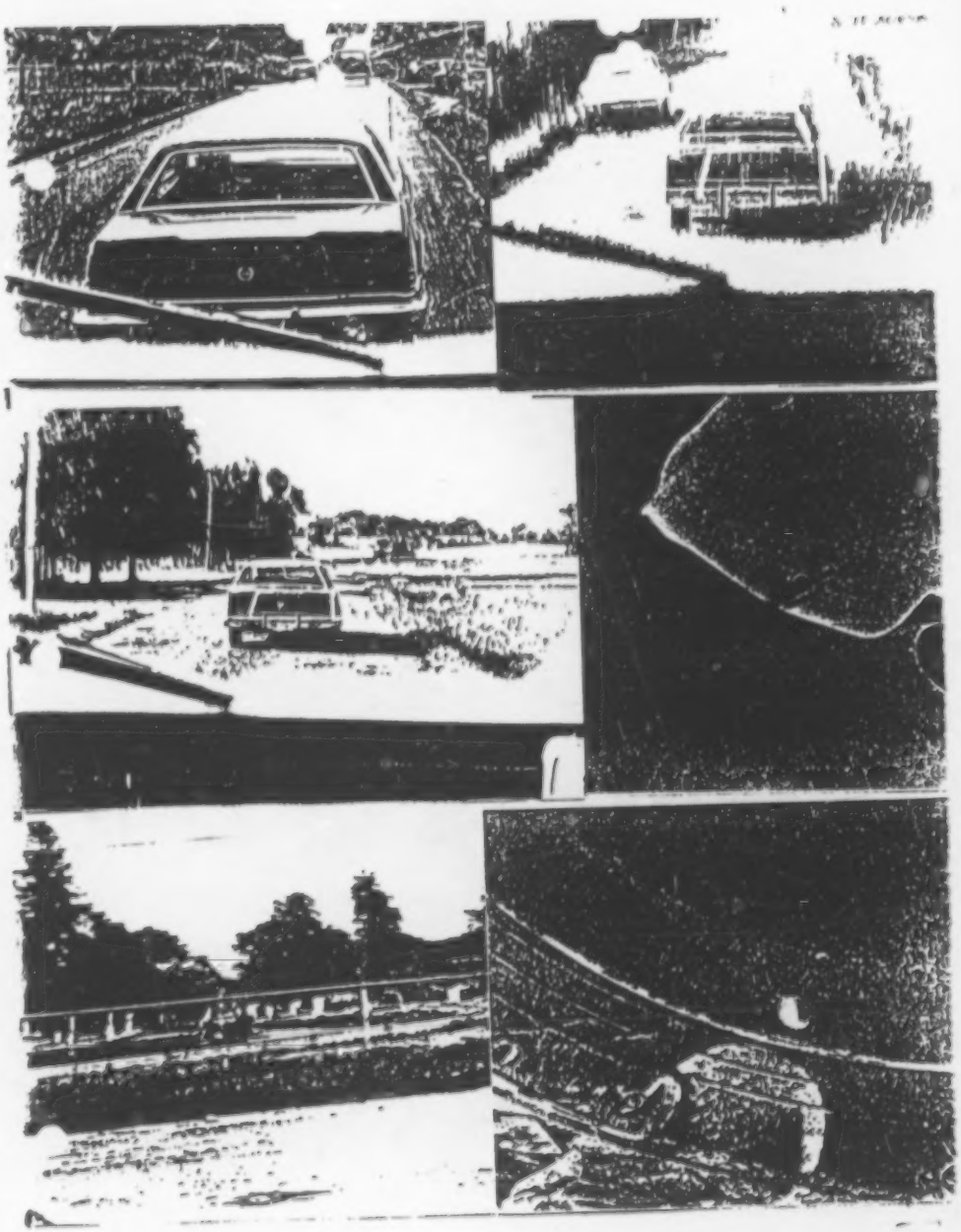
JUNE 23, 1984

399	J. Rushing	5/14/84
404	T. Hatfield	5/14/84
398	M. Haverkamp	5/14/84
406	Marty Lampert	5/15/84
401	M. Robertson	5/14/84
400	F. Smith	5/14/84
409	L. Lynn O'Brien	5/15/84
410	J. Shelton	5/21/84
416	Mike Lampert	5/15/84
417	K. Koerner	5/15/84

SENIORITY LIST - CAVE-IN-ROCK QUARRY

June 23, 1984

T. Douglas	4-15-63
R. Bainbridge	4-15-63
C. Patton	4-17-63
G. Pennell	7-01-63
G. McDowell	7-01-63
E. Burtis	4-17-64
L. Pennell	10-20-69
D. Barnes	3-10-71
D. Forwe	11-13-72
W. Fralley	3-12-73
C. Dixon	12-12-74
C. Kanady	7-26-76
H. Wheeler	8-30-76
J. Lamb	8-24-77
V. L. Littrell	11-28-77
W. Bishop	3-28-78
L. D. Foster	4-03-78
C. C. Cain	4-24-78
D. Barnett	5-08-78
B. D. Hastie	5-15-78
G. Shores	5-31-78
C. A. Frayser	6-05-78
F. A. Orman	6-06-78
R. L. Austin	6-12-78
J. R. Spivey	6-19-78
J. R. Shores	8-28-78
M. W. Lewis	7-07-83
B. L. Davis	4-19-83



McINTYRE #4

[redacted]

Jeff

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
143	1. On View 2. Telephone 3. In Person 4. U.S. Mail 5. Other Agency 6. CB Radio	Date 08 13 84 Time 12:27 AM PM	Date 08 13 84 Time 12:25 AM PM	F 13-84-1279

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Radio Investigation 4. Traffic Accident 5. Loss or damage of ISP equipment 6. Personal Injury 7. Property Damage 8. Miscellaneous - see next Act.

2a. & 2b. Type-Ownership VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8a. RACE: W-White B-Black I-Amer. Indian/Alaskan M-Mexican P-Puerto Rican O-Other Hispanic A-Asian/Pacific Islander

8b. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Gray 5. Green 6. Hazel 7. Maroon 8. Pink

8c. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Gray or Part. Gray 6. Red or Auburn 7. Sandy 8. White

8d. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8e. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Widowed

10a. INJURIES: 1. Killed 2. Fractures 3. Back Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bombs 9. Vehicle 0. Other

12a. CASE STATUS: 0. Unfounded (False or Baseless Complaint) 1. Referred to Responsible Jurisdiction 2. Pending Investigation

CLEARED BY ARREST: 3. Adult 4. Juvenile

EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearances-Adult 8. Other Exceptional Clearances-Juv. 9. Case Administratively Closed

6. Brief Description: Missouri
Shots Fired Near Main Gate of Portland Cement Missouri Portland Cement Plant

a. Location: Missouri Portland Cement Plant

City: Joppa

County/Township: Massac Co.

3. Investigating Officer (Pay or Type - Last, First, Middle) I.D. No. Dist No.: Wetherington, C. Dwayne 1744 713

c. Response Vehicle: 1

d. Reporting Officer (Last, First, Middle) I.D. No. Dept No.: Hoyer Kamp, Jeff D. 14 Massac Co. 1

10a. Name (Last, First, Middle): V Moss, A. Todd

b. Home Address: Rt. 1 Box 56, New Salisbury, Ind. 47161

c. Telephone: 543-7541

d. Business Name and Address: Buckels Security Louisville Ky. 4029

e. Soc. Sec. No.: Unknown | f. D.O.B.: 03/12/63 | g. Sex: M | h. Race: W | i. Ht.: — | j. Wt.: — | k. Color Eyes: — | l. Color Hair: — | m. Complex.: — | n. Build: — | o. Mar. Status: — | p. Scars - Tattoos - Deformities - Amputations: —

q. Driver License No.: Unknown | r. Date Arrested: N/A | Time: | AM PM | s. Location of Arrest: N/A | t. Offense Section: Chp 38, 12-2 | u. A C | I O | v. Where Held: N/A

w. Place of Birth: Unknown | x. Alias: Unknown | y. Injuries: None | z. Address where treatment given: N/A | a. I.S.P. Ticket No.: N/A | b. CIB Case No.: N/A

11. a. Ct. App. Date: N/A | b. Date Miranda Given: N/A | Time: | AM PM | c. Officer Name: N/A | I.D. No. | d. Fingerprinted by: N/A | e. Date: N/A | f. Bond: N/A | g. Property: Security Guard | h. FBI No.: N/A | i. ISB No.: N/A

12. a. Weapon: 4 | b. Alcohol Involved: Unknown | Drugs Involved | c. Case Status: 2 | d. Place: 238 | e. Method: N/A | f. Property Code: N/A | g. Recovery Code: N/A | h. Property - Value: N/A | STOLEN | RECOVERED | DAMAGED | i. LEADS Message No.

10a. Name (Last, First, Middle): V Couch, Rodney T. | b. Home Address: 203 No. 38th St. Louisville, Ky. | 772-3543 | c. Telephone: 773-7541 | d. Business Name and Address: Wackale Security Louisville, Ky.

e. Soc. Sec. No.: Unknown | f. D.O.B.: 10/31/62 | g. Sex: M | h. Race: B | i. Ht.: — | j. Wt.: — | k. Color Eyes: — | l. Color Hair: — | m. Complex.: — | n. Build: — | o. Mar. Status: — | p. Scars - Tattoos - Deformities - Amputations: —

q. Driver License No.: Unknown | r. Date Arrested: N/A | Time: | AM PM | s. Location of Arrest: N/A | t. Offense Section: Chp 38, 12-2 | u. A C | I O | v. Where Held: N/A

w. Place of Birth: Unknown | x. Alias: Unknown | y. Injuries: None | z. Address where treatment given: N/A | a. I.S.P. Ticket No.: N/A | b. CIB Case No.: N/A

11. a. Ct. App. Date: N/A | b. Date Miranda Given: N/A | Time: | AM PM | c. Officer Name: N/A | I.D. No. | d. Fingerprinted by: N/A | e. Date: N/A | f. Bond: N/A | g. Property: Security Guard | h. FBI No.: N/A | i. ISB No.: N/A

12. a. Weapon: 4 | b. Alcohol Involved: Unknown | Drugs Involved | c. Case Status: 2 | d. Place: 238 | e. Method: N/A | f. Property Code: N/A | g. Recovery Code: N/A | h. Property - Value: N/A | STOLEN | RECOVERED | DAMAGED | i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13. a. Color | b. Year | c. Mfg. Trade Name | d. Body/Hull Style | e. Year/State | f. License No. | g. Vessel

a. Owner: Unknown | i. Address | j. Telephone | k. Est. Damage

12. Investigating Officer: C. Dwayne Wetherington | b. Date: OCT 3 1984 | Forward to: Massac Co. States Attorney | Quality Check: Initial KH | I.D. No. 289 | Page 1 of 2 Pages

OCT 3 1984

RI 548 P3

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TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIM[redacted]	OLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.

This R/O Was On Patrol On 08-13-84 When I Received A Call From Cairo K
At 12:28 A.M. Of Shots Being Fired Near The Main Gate At Missouri Port
Cement Plant. The Call Had Come Into The Massac Co. Sheriff's Office And
They Advised That Dep. Jeff Haverkamp Was Also Enroute From Their Office. W
Dep. Haverkamp And This R/O Arrived At Portland Cement, We Interviewed
Of The Security Guards Working For Nuckols Security. Their Names Were Todd L
Rodney Couch And James Readus. These Guards Stated They Were On Duty
ing What They Called The Secondary Location. This Is A Small Hill Locat. ar
100 Yards South Of The Main Gate And On The East Side Of The Road Headi
Into The Plant. This Hill Has Enough Elevation That They Are Able To Ob
The Area Where The Strikers Have Their Tent Set Up On The Joppa Blacktop. T
Guards Stated That At About 12:25 A.M. Someone On The Road Near The Strik
Tent Started Firing A Shotgun Towards The Field Right Beside Them. They
ed They Could See The Muzzle Blasts And Could Hear The Pellets Hitti
In The Weeds Just To The [redacted] East Of Them. There Were Three Shots Fir
And The Guards Said They Laid Down On The Ground And Called The Offic
Their Walkie-Talkie To Advise What Happened. Immediately After The Shots W
Fired They Stated There Were Three Vehicles That Pulled Away From The Te
Area And Headed Towards Joppa. Dep. Haverkamp And This R/O Talked To The
Strikers Walking The Picket Line And At The Tent Area And They All Denied
There Had Been Any Shots Fired. While Dep. Haverkamp And I Were Enroute
The Plant We Met One Car Coming Off The Joppa Road Turning On U.S. 45

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ILLINOIS STATE POLICE
FIELD REPORT

1. Type of Report: 143
2. How I.S.P. Initially Notified: 3 (1. On View, 2. Telephone, 3. In Person, 4. U.S. Mail, 5. Other Agency, 6. CB Radio)
3. Initial Notification: Date 08/13/84 Time 12:27 PM
4. Incident Occurrence: Date 08/13/84 Time 12:25 PM
5. Number: F-13-84-1279

CODES

6a. & 6c. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle, 2. 2 Man Patrol Vehicle, 3. Detective or Special Assignment, 4. Other Special Assignments, 5. Off Duty

7. SYMBOLS: C. Complainant, D. Defendant, I. Informant, S. Suspect, V. Victim, W. Witness, R. Relative, DR. Driver, P. Passenger, O. Other

8d. RACE: W- White, B - Black, I - Amer. Indian/Alaskan, M- Mexican, P- Puerto Rican, H- Other Hispanic, A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black, 2. Blue, 3. Brown, 4. Gray, 5. Green, 6. Hazel, 7. Maroon, 8. Pink

8h. HAIR COLOR: 1. Bald, 2. Black, 3. Blonde or Strawberry, 4. Brown, 5. Grey or Part. Grey, 6. Red or Auburn, 7. Sandy, 8. White

8i. BUILD: 1. Heavy, 2. Medium, 3. Thin, 4. Slight

8k. MARITAL STATUS: 1. Married, 2. Separated, 3. Divorced, 4. Single, 5. Remarried

10a. INJURIES: 1. Killed, 2. Fractures, 3. Dislocations, 4. Severe Lacerations & Contusions, 5. Minor Lacerations & Abrasions, 6. Burns

12a. WEAPON: 1. Hands, 2. Feet, 3. Handgun, 4. Shotgun, 5. Rifle, 6. Knife, 7. Club, 8. Bottle, 9. Vehicle, 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Complaint), 1. Referred to Responsible Jurisdiction, 2. Pending Investigation
CLEARED BY ARREST: 3. Adult, 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute Adult, 6. Failed to File Complaint or Prosecute Juv., 7. Other Exceptional Clearance-Adult, 8. Other Exceptional Clearance-Juv., 9. Case Administratively Closed

6. Brief Description — a. Location — City — County/Township

b. Investigating Officer (Print or Type - Last, First, Middle) I.D. No. Dist No. — c. Responsee Vehicle — d. Assisting Officer (Last, First, Middle) I.D. No. Dist. No. — e. Responsee Vehicle

7. a. Name (Last, First, Middle): V Readus, James W. — b. Home Address: #0201 521 Village West Dr. Louisville Ky 543-7541 — c. Telephone 618 — d. Business Name and Address: Wackenhut Security Louisville, Ky.

8. a. Soc. Sec. No.: Unknown — b. D.O.B.: 07/23/54 — c. Sex: M — d. Race: B — e. Ht.: — — f. Wt.: — — g. Color Eyes: — — h. Color Hair: — — i. Complex. — j. Build: — — k. Mar. Status — l. Scars - Tattoos - Deformities - Amputations

8. a. Driver License No.: Unknown — b. Date Arrested: N/A — Time — AM/PM — c. Location of Arrest: N/A — d. Offense Section: Chp. 38, 12-2 — e. A: 1 0 1, C: 1 0 — f. Where Held: N/A

10. a. Place of Birth: Unknown — b. Alias — c. Injuries: None — d. Address where treatment given: N/A — e. I.S.P. Ticket No.: N/A — f. CIB Case No.: N/A

11. a. Ct. Appr. Date: N/A — b. Date Miranda Given: N/A — Time — AM/PM — c. Officer Name — I.D. No. — d. Fingerprinted by: N/A — e. Date: N/A — f. Bond: N/A — g. Occupation: Security Guard — h. FBI No.: N/A — i. IBB No.: N/A

12. a. Weapon: 4 — b. 1 Alcohol Involved, 2 Drug Involved — c. Case Status: 2 — d. Place: 238 — e. Method: N/A — f. Property Code: N/A — g. Recovery Code: N/A — h. Property — Value: STOLEN: N/A — RECOVERED — DAMAGED — i. LEADS Message No.: N/A

7. a. Name (Last, First, Middle) — b. Home Address — c. Telephone — d. Business Name and Address

8. a. Soc. Sec. No. — b. D.O.B. — c. Sex — d. Race — e. Ht. — f. Wt. — g. Color Eyes — h. Color Hair — i. Complex. — j. Build — k. Mar. Status — l. Scars - Tattoos - Deformities - Amputations

8. a. Driver License No. — b. Date Arrested — Time — AM/PM — c. Location of Arrest — d. Offense Section — e. A — C — f. Where Held

10. a. Place of Birth — b. Alias — c. Injuries — d. Address where treatment given — e. I.S.P. Ticket No. — f. CIB Case No.

11. a. Ct. Appr. Date — b. Date Miranda Given — Time — AM/PM — c. Officer Name — I.D. No. — d. Fingerprinted by — e. Date — f. Bond — g. Occupation — h. FBI No. — i. IBB No.

12. a. Weapon — b. 1 Alcohol Involved, 2 Drug Involved — c. Case Status — d. Place — e. Method — f. Property Code — g. Recovery Code — h. Property — Value: STOLEN — RECOVERED — DAMAGED — i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13. a. Color — b. Year — c. Mfg. Trade Name — d. Body/Hull Style — e. Year/Make — f. License No. — g. Vessel

h. Owner: Un Known — i. Address — j. Telephone — k. Est. Damage

12. a. Signature of Investigating Officer: Jeff C. Brogan Watherington — b. Date: 08/13/84 — c. Copies to: — Quality Check Initial KM I.D. No. 289 — Page 2 of 2 Pages

RI 54-P-84

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DEFDIS 2 SIDED 557

88

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.

ards Metropolis. It Was An Olds Cutlass With Ill. Plate # BDU850. The 10-
Came Back To Bobby Proctor 701 W. 19th St., Metropolis On A 1978 Olds mob
Mr. Proctor Is One Of The Strikers At Portland. After The Dep. And I Fin
To King The Information At The Plant, We Went Into Metropolis To Try And Fin
Mr. Proctor To Talk To Him About The Incident. He Was Not At Home. And
I Was Unable To Locate Him By The Time My Shift Ended.

19

Spr. C. Dwayne Wolmon

RECEIVED
AUG 22 10 22 AM '80

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McINTYRE #5

[redacted]

AUG 23 13

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 1, 2, 3, 4
2. How I.S.P. Initially Notified: [X] 2. Telephone
3. Initial Notification: Date 7/17/74 Time 1:04 PM
4. Incident Occurrence: Date 7/17/74 Time 12:45 PM
5. Number: F-13-74-1319

CODES

1. TYPE OF REPORT: 1. Incident Report; 2. Case Data Report; 3. Prelim. Investigation; 4. Per. History Info.; 5. Loss or damage of ISP equipment; 6. Personal Injury; 7. Environment; 8. Intoxication Treatment Act
6a. & 6b. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle; 2. 2 Man Patrol Vehicle; 3. Detective or Special Assignment; 4. Other Special Assignments; 5. Off Duty
7. SYMBOLS: C. Complainant; D. Defendant; I. Informant; S. Suspect; V. Victim; W. Witness; R. Relative; DR. Driver; P. Passenger; O. Other
8a. RACE: W- White; B - Black; I - Amer. Indian/Alaskan; M- Mexican; P- Puerto Rican; H- Other Hispanic; A- Asian/Pacific Islander
8b. COLOR EYES: 1. Black; 2. Blue; 3. Brown; 4. Gray; 5. Green; 6. Hazel; 7. Maroon; 8. Pink
8c. HAIR COLOR: 1. Bald; 2. Black; 3. Blonde or Strawberry; 4. Brown; 5. Grey or Part. Grey; 6. Red or Auburn; 7. Sandy; 8. White
8d. BUILD: 1. Heavy; 2. Medium; 3. Thin; 4. Slight
8e. MARITAL STATUS: 1. Married; 2. Separated; 3. Divorced; 4. Single; 5. Remarried
10a. INJURIES: 1. Killed; 2. Fractures; 3. Bullet Wounds; 4. Gunshot Wounds; 5. Scratches & Bites-Human; 6. Scratches & Bites-Animal; 7. Bruises & Abrasions; 8. Lacerations; 9. Poison; 0. Burns
12a. WEAPON: 1. Hands; 2. Feet; 3. Handgun; 4. Shotgun; 5. Rifle; 6. Knife; 7. Club; 8. Bottle; 9. Vehicle; 0. Other
12b. CASE STATUS: 0. Unfounded (False or Baseless Complaint); 1. Referred to Responsible Jurisdiction; 2. Pending Investigation
CLEARED BY ARREST: 3. Adult; 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult; 6. Failed to File Complaint or Prosecute-Juv.; 7. Other Exceptional Clearances-Adult; 8. Other Exceptional Clearances-Juv.; 9. Case Administratively Closed

6. Brief Description: REPORT OF SHOTS FIRED AT LABOR DANTE SITE
a. Location: MISSOURI-PORTLAND CEMENT COMPANY PLANT — City: — County/Township: MASSAC / 15

9. a. Investigating Officer (Print or Type - Last, First, Middle): COX, ROGER D. — I.D. No.: 3030 — Dist No.: 13 — c. Response Vehicle: 1 — d. Assisting Officer (Last, First, Middle): GOSS, DUAIN — I.D. No.: 1122 — Dist No.: 13 — e. Response 9 to: 11

7. a. Name (Last, First, Middle): W MOSS, ANTHONY TODD — b. Home Address: RR1 Box 56, NEW SALISBURY, IN 47161 — c. Telephone: 812-366-3511 — d. Business Name and Address: MICHAEL AND ASSOCIATES SECURITY CINCINNATI, OHIO

8. a. Soc. Sec. No.: W 400-92-8457 — b. D.O.B.: 03/12/43 — c. Sex — d. Race — e. Ht. — f. Wt. — g. Color Eyes — h. Color Hair — i. Complexion — j. Build — k. Mar. Status — l. Scars - Tattoos - Deformities - Amputations

9. a. Driver License No.: W S400-92-8457 — b. Date Arrested — Time — AM/PM — c. Location of Arrest — d. Offense Section — e. A / C — f. Where Held

10. a. Place of Birth — b. Alias — c. Injuries — d. Address where treatment given — e. I.S.P. Ticket No. — f. CIB Case No.

11. a. Ct. App. Date — b. Date Miranda Given — Time — AM/PM — c. Officer Name — I.D. No. — d. Fingerprinted by — e. Date — f. Bond — g. Occupation — h. FBI No. — i. IRB No.

12. a. Weapon — b. 1. Alcohol Involved 2. Drug Involved — c. Case Status — d. Place — e. Method — f. Property Code — g. Recovery Code — h. Property - Value: STOLEN / RECOVERED / DAMAGED — i. LEADS Message No.

7. a. Name (Last, First, Middle): W COUCH, RODNEY T. — b. Home Address: 203 N. 38TH ST., LOUISVILLE, KY 40212 — c. Telephone: 602-775-8819 — d. Business Name and Address: MICHAEL AND ASSOCIATES SECURITY CINCINNATI, OHIO

8. a. Soc. Sec. No.: W 401-11-5496 — b. D.O.B.: 10/31/42 — c. Sex — d. Race — e. Ht. — f. Wt. — g. Color Eyes — h. Color Hair — i. Complexion — j. Build — k. Mar. Status — l. Scars - Tattoos - Deformities - Amputations

9. a. Driver License No. — b. Date Arrested — Time — AM/PM — c. Location of Arrest — d. Offense Section — e. A / C — f. Where H

10. a. Place of Birth — b. Alias — c. Injuries — d. Address where treatment given — e. I.S.P. Ticket No. — f. CIB Case No.

11. a. Ct. App. Date — b. Date Miranda Given — Time — AM/PM — c. Officer Name — I.D. No. — d. Fingerprinted by — e. Date — f. Bond — g. Occupation — h. FBI No. — i. IRB No.

12. a. Weapon — b. 1. Alcohol Involved 2. Drug Involved — c. Case Status — d. Place — e. Method — f. Property Code — g. Recovery Code — h. Property - Value: STOLEN / RECOVERED / DAMAGED — i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13. a. Color — b. Year — c. Veh. Trade Name — d. Body/Hull Style — e. Year/State — f. License No. — g. Interest
h. Owner — i. Address — j. Telephone — k. Est. Damage

14. Signature of Investigating Officer: [signature] — b. Date: 7/19/74 — c. Copies to: OCE 3 — Quality Check Initial: [illegible] I.D. No. 614 — Page 1 of 3 Pages

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70

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STA	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STA

ON SUNDAY, 08-19-84, AT 1:04 A.M. R/O WAS NOTIFIED VIA 13-A RADIO OF A REPORT OF SHOTS FIRED NEAR THE MAIN GATE OF THE MISSOURI-PORTLAND CEMENT COMPANY PLANT NEAR JOPPA, ILLINOIS.

TROOPERS WETHERINGTON, #1194, AND GOSS, #1122, WERE ALSO DISPATCHED TO THE SCENE. UPON ARRIVAL, R/O QUESTIONED TWO NICHOLS AND ASSOCIATES SECURITY GUARDS, ANTHONY T. MOSS AND RODNEY T. COUCH, WHO HAD BEEN POSITIONED ON A GRASSY KNOLL ALONGSIDE THE PLANT ENTRANCE ROAD APPROXIMATELY 100 YARDS INSIDE THE MAIN GATE ENTRANCE.

THEY STATED THAT WHEN THEY GOT UP AND STARTED TO GO PATROL THEIR ASSIGNED AREA THEY HEARD, "A BIG SHOT, THEN SEVERAL SHOTS, PROBABLY FROM A PISTOL." THEY STATED THAT THE SHOTS CAME FROM THE DIRECTION OF THE TENT WHICH PICKETING UNION MEMBERS HAVE ERECTED ON THE SIDE OF MASSAC COUNTY ROAD 1000 N NEAR THE CEMENT PLANT ENTRANCE. SUBJECT COUCH STATED THAT HE RAN INTO A DITCH BEHIND THE KNOLL. SUBJECT MOSS STATED THAT HE FOLLOWED COUCH, BUT WHEN HE HEARD BULLETS HITTING THE GROUND AND TREES HE DOVE INTO THE DITCH FOR COVER. THEY STATED THAT THEY HAD HEARD FOUR OR FIVE SHOTS FIRED.

DAVID D. DORSEY AND TIMOTHY C. CHANDLER, THE OCCUPANTS OF A SECURITY VIDEO EQUIPMENT TRUCK WHICH HAD BEEN IN POSITION APPROXIMATELY 200 YARDS INSIDE THE GATE ON THE PLANT ENTRANCE ROAD, STATED THAT THEY ALSO HEARD FOUR OR FIVE SHOTS FIRED FROM THE DIRECTION OF THE UNION TENT.

THE UNION MEMBERS ON THE PICKET LINE DIRECTLY IN FRONT OF THE PLANT ENTRANCE GATE AT THE TIME OF THE INCIDENT WERE CRAIG A. BASS AND RANDALL K. WOODS. THEY STATED THAT THEY HEARD WHAT SOUNDED LIKE THREE SHOTS, NOT IN RAPID

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THE CONTENTS OF THIS DOCUMENT ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

McINTYRE #6

.34K2062 Kit-

AUG 29 1984

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
143	1. On View 2. Telephone 3. In Person 4. U.S. Mail 5. Other Agency 6. CB Radio	Date 082784 Time 1105 AM/PM	Date 082784 Time 1245 AM/PM	F-17-84-1371

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Prelim. Investigation 4. Per Hosiery Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Snowmobile 8. Intoxication Treatment Act

6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White B- Black I- Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Gray 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Gray or Part. Gray 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10a. INJURIES: 1. Killed 2. Fractures 3. Blob Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bombs 9. Vehicle 0. Other

13a. CASE STATUS: 0. Unfounded (False or Baseless Complaint) 1. Referred to Responsible Jurisdiction 2. Pending Investigation
CLEARED BY ARREST: 3. Adult 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearance-Adult 8. Other Exceptional Clearance-Juv. 9. Case Administratively Closed

8. a. Brief Description: Vehicle Shot At After Leaving Portland Cement Plant — b. Location: Jones Blacktop Between The S Curves, Appx. 2 Miles West of U.S. 45 — City: Massac — 13. County/Township

9. a. Investigating Officer (Print or Type - Last, First, Middle) I.D. No. Dist No.: Wetherington, C. Dwayne 1744 13 — b. Assisting Officer (Last, First, Middle) I.D. No. Dist. No. — c. Reporting Officer: 1 — d. Assisting Officer (Last, First, Middle) I.D. No. Dist. No. — e. Reporting Officer — 12141 382-2787

7. a. Name (Last, First, Middle): Dr. Benton, Franklin D. — b. Home Address: 1215 12th St. Highland, Ill 62249 — c. Telephone: 654-4186 — d. Business Name and Address: Security Resources Inc Box 222 Northlake St. Louis, Mo. 63139

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complexion	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
340-24-1347	3030	M	W	5-9	205	2	4	DK.	1	3	

8. a. Driver License No.: B536-2443-0152 — b. Date Arrested: N/A — Time: AM/PM — c. Location of Arrest: N/A — d. Offense Section: CH. 38 704-2 — e. A B C — f. Where Held: N/A

10. a. Place of Birth: Whittier Calif — b. Alias: None — c. Injuries: None — d. Address where treatment given: N/A — e. I.S.P. Ticket No.: N/A — f. CIB Case No.: N/A

11. a. Ct. App. Date: N/A — b. Date Miranda Given Time: N/A — AM/PM — c. Officer Name I.D. No.: N/A — d. Fingerprinted by: N/A — e. Date: N/A — f. Bond: N/A — g. Occupation: Driver — h. FBI No.: NIM — i. IBB No.: N/A

12. a. Weapon: Gun — b. 1. 2. Alcohol Involved Drug Involved — c. Case Status: 2 — d. Place: 238 — e. Method: N/A — f. Property Code: N/A — g. Recovery Code: N/A — h. Property – Value: STOLEN $0 RECOVERED DAMAGED — i. LEADS Message No.: N/A

7. a. Name (Last, First, Middle) — b. Home Address — c. Telephone — d. Business Name and Address

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complexion	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
	/ /										

8. a. Driver License No. — b. Date Arrested / / Time AM/PM — c. Location of Arrest — d. Offense Section — e. A B C — f. Where Held

10. a. Place of Birth — b. Alias — c. Injuries — d. Address where treatment given — e. I.S.P. Ticket No. — f. CIB Case No.

11. a. Ct. App. Date / / — b. Date Miranda Given Time AM/PM — c. Officer Name I.D. No. — d. Fingerprinted by — e. Date / / — f. Bond — g. Occupation — h. FBI No. — i. IBB No.

12. a. Weapon — b. 1. 2. Alcohol Involved Drug Involved — c. Case Status — d. Place — e. Method — f. Property Code — g. Recovery Code — h. Property – Value: STOLEN RECOVERED DAMAGED — i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13. a. Color: Lt. Brn — b. Year: 1980 — c. Make/Trade Name: Ford — d. Serial No.: 1FMEE31G6CHA [illegible] — e. Year/State: Van (Club Wagon) 84 Mo — f. License No.: BIN 848 — g. Wrecker: [illegible]

14. a. Owner: Proctor Enterprizes Inc — b. Address: 5320 Lindbergh Blvd, St. Louis, Mo. 63126 — c. Telephone: Unknown — d. $ Damage: $50.00

15. a. Signature of Investigating Officer: Lt. C. Dwayne Wetherington — b. Date: 082784 — c. Copies to: Massac Co. States Attorney D.C.I. — Quality Check Initials: [illegible] I.D. No. 1004 — Page 1 of 1 Pages

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72

TIME	COLOR O	HICLE	YEAR	MAKE	LICENSE NO.	STATE	TI	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO	TATE

On 08-27-84 This R/O Was Advised By Cairo Radio To Meet With A Subject At The Massac Co. Sheriff's Off At 1:00 P.M. Reference An Incident Related To The Portland Cement Strike. I Met With A Mr. Franklin D. Benton Who Is An Employee Of Security Resources Inc. Security Resources Are Contracted To Portland Cement To Carry Food Into The Plant. During The Strike. Mr. Benton, The Driver Of The Van Stated He Had Made A Delivery Into The Plant About 12:30 A.M. And Five Of The Non-Union Workers At The Plant Asked Him For A Ride Back To The Executive Inn At Paducah, Ky. He Was Transporting Them Back On The Joppa Blacktop, They Were In The Middle Of The S Curves When Mr. Benton Heard What Sounded Like A Shot Come From A Bank On The Left Side Of The Road And Something Immediately Hit The Side Of The Van. He Stated They Did Not Stop But Continued On To The Executive Inn At Paducah. They Examined The Van But Were Unable To Find Anywhere It Had Been Hit In The Dark. The Next Morning In The Daylight They Found Where The Bullet Had Hit. The Bullet Struck On The Drivers Side At The Right Rear Corner Near The Top Of The Van. There Are No Suspects At This Time.

Sgt. C. Dwayne Watherington

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> SIGNED.

[redacted]

The CHAIRMAN. Now, to your knowledge, have the police ever developed any leads as to who may or may not have been doing the shooting?

Mr. MCINTYRE. No, sir.

The CHAIRMAN. Have the bullets from any of these shootings been obtained by State or local law enforcement agencies?

Mr. MCINTYRE. The bullets that were fired into Delbert Sullivan's house, some 12, and the bullets that were fired into the van on November 4, eight; some were recovered, yes.

The CHAIRMAN. Those are the only ones?

Mr. MCINTYRE. Yes, sir.

The CHAIRMAN. Has the Massac County sheriff's office or the State highway patrol ever run a ballistics test to determine whether any of these bullets were fired from the same gun?

Mr. MCINTYRE. We have not been made aware of that if they have.

The CHAIRMAN. You don't know.

Was a police investigation done on the shooting of your power cable on—when was that, June 18?

Mr. MCINTYRE. Yes, sir, 3 days after the strike.

The CHAIRMAN. Was there an investigation of that?

Mr. MCINTYRE Yes, there was.

The CHAIRMAN. Did this produce any leads, to your knowledge?

Mr. MCINTYRE. No. There were some comments about some individual seen with a funny-colored tee-shirt on or something, but the investigation was superficial. There was nothing of substance.

The CHAIRMAN. Let me put into the record at this point what we will call McIntyre exhibit No. 7, the police report on this particular incident.

[McIntyre exhibit No. 7 follows:]

-McINTYRE #7.

ILLINOIS DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):			Lead No:
84P2062	June 18, 1984	S/A J. Greg Geittmann #1924			
Sub		Case Agent:	Office:	Typed By:	Date:
PORTLAND CEMENT COMPANY		Thrailkill	Zone 13	jw	07/13/84

On the afternoon of Monday, June 18, 1984, while located at the Marion, Illinois Division of Criminal Investigation Office, reporting agent was requested by Acting Zone Commander Connell F. Smith to proceed to the PORTLAND CEMENT COMPANY PLANT in Joppa, Illinois, in regards to reported criminal damage that had occurred earlier in the afternoon of Monday, June 18, 1984.

At approximately 5:30 P.M., reporting agent met with Illinois State Police Sgt. Sam Dunning, as well as Illinois Department of Law Enforcement, Bureau of Scientific Services, Crime Scene Technician Gary Otey. At this time reporting agent and Otey were advised that someone had apparently shot one of the high voltage power lines into, that supplied electricity to the PORTLAND CEMENT COMPANY in Joppa, Illinois. Sgt. Dunning further advised at this time the Union employees were on strike from the PORTLAND CEMENT COMPANY and the manufacturing activities were being done by company employees.

Sgt. Dunning requested that reporting agent and Otey proceed on to the PORTLAND CEMENT property and attempt to make a determination as to the actual damages that had occurred and attempt to identify the perpetrator of the apparent damage to the power line.

At approximately 6:29 P.M., while located at the PORTLAND CEMENT COMPANY, Joppa, Illinois, reporting agent conducted an interview of ALLAN KERR, employed as the Electrical Foreman for the PORTLAND CEMENT COMPANY. At this time Mr. KERR indicated to reporting agent that he, accompanied by fellow employees, FRED MOORE and JERRY POWELL, discovered the break in the 69000 volt line that had disrupted the electrical service to the PORLAND CEMENT PLANT. He indicated that he (KERR) had personally observed a subject located on a set of railroad tracks near the area, where the power line had apparently been shot into. Mr. KERR was able to provide the following description of that subject: W/M, wearing a navy blue T-shirt, blue jean trousers, and dark hair, approximately 5' 10" tall, medium build, and further that he did not think that he would recognize the subject again, as he was several hundred yards away from him when he observed this particular subject. He further indicated at this time he did not observe any firearm in this subject's possession.

Mr. KERR indicated to reporting agent that the power interruption occurred at approximately 2:30 P.M. on today's date.

At this time reporting agent, accompanied by Crime Scene Technician Gary Otey and ALLAN KERR, made a check of the immediate area adjacent to the severed power line, but were unable to discover any spent shell casings or any other items of evidentiary value in that area.

Dissemination:

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

DLE4-3 (8/77)

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ILLIN[illegible] DEPARTMENT OF LAW ENFORCE[illegible]NT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):			Lead No:
84P2062	June 18, 1984	S/A J. Greg Geittmann #1924			
Sub: PORTLAND CEMENT COMPANY		Case Agent: Thrailkill	Office: Zone 13	Typed By: jw	Date: 07/13/84

On the evening of Monday, June 18, 1984, at approximately 7:14 P.M., reporting agent, accompanied by Crime Scene Technician Gary Otey, conducted an interview of Plant Manager MEL BREKAUS, in the presence of the PORTLAND CEMENT COMPANY Attorney, Mike Mitchell. The following is a summary of that interview.

Mr. BREKAUS indicated that the Union employees went out on strike on Friday, June 16, 1984, at approximately 6:00 A.M. He indicated since then that from his determination the most active in the protesting has been the Local President, DAVID BECK and ROGER BARNHILL.

He stated that on June 16, 1984, a Restraining Order was issued in the Massac County Courthouse, giving guidelines that the striking employees were to abide by. Further that being ingress and egress, allowing vehicular traffic to go and come from the PORTLAND CEMENT COMPANY PLANT, Joppa, Illinois, and further outlining that only 3 pickets were allowed at the main gate.

Mr. BREKAUS advised reporting agent that the strike effects 28 company employees in the Hardin County, Illinois facility, and approximately 115 employees at the Massac County facility.

He further indicated that the international representative for the striking PORTLAND CEMENT COMPANY employees was THOMAS C. RICE, titled the District Representative, having an office in the St. Louis, Missouri area. The interview was concluded at this time.

Dissemination:

DLE4-3 (9/77)

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At approximately 6:29 P.M., reporting agent conducted a brief interview of MAX FRALEY, employed as the Plant Engineer for the PORTLAND CEMENT COMPANY, and Mr. FRALEY indicated to reporting agent that when the power was apparently disrupted at 2:30 P.M., that he had heard a loud pop and saw smoke coming from the area east of the CEMENT PLANT, where the power line was later discovered to have been severed. He further indicated that he did not personally observe anybody in the area at that time.

Illinois Department of Law Enforcement
Division of Support Services
Bureau of Technical Field Services

8APR 86 2

CRIME SCENE REPORT

Crime Scene Technician			
			K. G. Otey
Assisting Department	Requesting Dept. Case No.	D.S.S. Case No.	Classification Criminal
DCI Zone 13	84Z0061	Q-84-1221-21-1	Damage to Property
Date, Time, by Whom Notified (Name)	Date and Time of Arrival	Weather	Temperature
6-18-84 5:15 P.M. ISP D-13 Radio	6-18-84 6:24 P.M.	Clear	95° Outdoors
Evidence Transported to Lab	Date and Time Received at Lab	Received by	Other Lab
N/A	N/A	N/A	N/A
Evidence Retained by Agency	Date and Time	Received by	
N/A	N/A	N/A	N/A

1. Photography	2. Sketch	3. Latents	12. Sections of
No	No	No	4/0 Copper wire
4. Clothing	5. Plaster Casts	6. Debris	14.
No	No	No	N/A
7. Blood	8. Hair	9. Fibers	15.
No	No	No	N/A
10. Firearms	11. Toolmarks	12. Body Diagram	16.
No	No	No	N/A

Victim: Central Illinois Public Service Co. D.A.R.# N/A

On the above-listed date and time, Crime Scene Technician Gary Otey arrived at the Maple Grove School in Joppa, Illinois, and met with S/A Greg Geittmann, DCI Zone 13, and Sgt. Sam Dunning of the Illinois State Police District 13.

Sgt. Dunning advised that a labor dispute had occurred between management and the cement worker's union at the Missouri Portland Cement Company in Joppa, Illinois. He further advised that it is believed that a person or persons unknown had shot down a high voltage power line which supplies power to the Missouri Portland Cement Company and that it is believed that the down power line had caused some small grass fires.

Crime Scene Technician Otey, along with S/A Greg Geittmann, proceeded onto the grounds of the Missouri Portland Cement Company property and to an area approximately one-half (½) mile east of the plant.

Crime Scene Technician Otey and S/A Geittmann searched the area surrounding the down power line for items of possible evidential value with negative results.

A Central Illinois Public Service Company work crew was repairing the down power line and the following item of evidence was received from the Crew Chief, Mr. Bill Eutsler and is reflected on the evidence receipt as:

Page 1 of 2	Crime Scene Technician		I.D. No.	Date
1	K. G. Otey	KGO:lrb	1602	6-28-84

DLE 6-219

3

Illinois Department of Law Enforcement
Division of Support Services
Bureau of Technical Field Services

Requesting Agency Case No.
82-2062

CRIME SCENE REPORT

Exhibit #1 - One (1) piece of 4/0 copper wire from the fourth pole east of plant.

Crime Scene Technician Otey and S/A Geittmann arrived at the plant office at approximately 7:00 P.M. on 6-18-84 and received the following item of evidence from the Plant Manager, Mr. Mel Brekhus and is reflected on the evidence receipt as:

Exhibit #2 - One (1) section of copper wire approximately four feet (4') in length.

S/A Geittmann and Crime Scene Technician Otey departed at approximately 7:15 P.M. on 6-18-84.

Exhibits #1 and #2 were released to S/A Geittmann at approximately 7:25 P.M. on 6-18-84.

Page 2 of 2	Crime Scene Technician	I.D. No.	Date
2	K. G. Otey KGO:lrb	1602	6-28-84

DLE 6-210

ILLI 'S DEPARTMENT OF LAW ENFORC. 'NT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Load No:
84P2062	June 18, 1984	S/A J. Greg Geittmann #1924		
Re: PORTLAND CEMENT COMPANY	Case Agent: Thrailkill	Office: Zone 13	Typed By: jw	Date: 07/13/84

On the evening of Monday, June 18, 1984, reporting agent and Crime Scene Technician Gary Otey obtained the 2 power line ends that had been severed from C.I.P.S. Lineman William Ustler. These items remained in Crime Scene Technician Otey's possession until later on in the evening of Monday, June 18, 1984, at which time they were personally transferred to reporting agent. (See attached copy of the Bureau of Scientific Services Evidence Receipt pertaining those power line cable ends.)

The power line cable ends will remain in reporting agent's possession until they can be submitted to the Illinois Department of Law Enforcement, Bureau of Scientific Services for formal laboratory analysis and examination.

Dissemination:

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement. It and its contents are not to be disseminated outside your agency.

K-84-1321-2161

STATE OF ILLINOIS
CIENTIFIC SERVICES
VIDENCE RECEIPT
(TYPE OR USE BLACK BALL OINT PEN ONLY — INSTRUCTIONS ON BACK)

Page ____ of ____

AGENCY DATA

(1) Agency Name	(2) Agency County	(3) Phone Number	(4) NCIC No	(5) Agency Case No
DCI Z. 13	MASSAC	618 997 5431	1001200	84 Z 0067

(6) Report To: S/A Greg Gaithmann — Agency Address: — City — Zip Code

(7) Offense(s)	(8) Location	(9) Date Occurred
CRIMINAL Damage to Property	Missouri Portland Cement	6/18/84

(10) Suspect(s) Name(s), Sex, Race, DOB

(11) Victim(s) Name(s), Sex, Race, DOB: Lucent C.I.P.S

(12) Signature of Submitting Officer: K Y1 Otey 1602 — (13) Printed Name of Submitting Officer: K.G. OTEY — (14) Received From

EVIDENCE INVENTORY

(15) Lab Exhibit Number	(16) Agency Exhibit Number	(17)
		EUTSLER, BILL
1		(18) Description of Evidence (See Instructions): ONE Piece #/0 Copper Wire From 4th Pole EAST OF [redacted] Plant

(19) Lab Use Only

EVIDENCE CHAIN

RECEIVED

(20) Lab Exhibit Number(s)	(21) Date	(22) Signature of Laboratory Employee	(20) Lab Exhibit Number(s)	(21) Date	(22) Signature of Laboratory Employee
1	6/19/84	K.Y1. Otey 1602			

RELEASED

(23) Lab Exhibit Number(s)	(24) Date	(25) Laboratory Employee	(26) Released to
1	6/19/84	K Y1 Otey 1602	[redacted]

(27) Case Summary and Questions to be Resolved:

DEPART. OF LAW ENFORCEMENT
STATE OF ILLINOIS
SCIENTIFIC SERVICES
EVIDENCE RECEIPT (Cont'd)

(TYPE OR USE BLACK BALL POINT PEN ONLY — INSTRUCTIONS ON BACK)

LABORATORY CASE NO.

Page ____ of ____

(84-1321-21-1)

(13) Signature of submitting officer	(14) Received from	(15) Agency Case No.
K. Li Atty 1602		84X02 PD Rec'd

(16) Lab Exhibit No.	(16) Agency Exhibit No.	(17)
2		(18) Description of evidence (See instructions) LONG SECTION OF CLOTH WICK APPROXIMATELY 4 FEET IN LENGTH RECEIVED FROM MEL BERKUS Plant Manager, Missouri Portland Cement.

(19) Lab use only

RECEIVED

(20) Lab Exhibit Number(s)	(21) Date	(22) Signature of Laboratory Employee	(20) Lab Exhibit Number(s)	(21) Date	(22) Signature of Laboratory Employee
2	6/18/84	K. Li Atty 1602			

RELEASED

(23) Lab Exhibit Number(s)	(24) Date	(25) Laboratory Employee	(26) Released to
2	6/18/84	K. Li Atty 1602	[redacted]

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(S16-48 (3/79))

ILLI' IS DEPARTMENT OF LAW ENFORC' 'ENT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):			Lead No:
84P2062	June 18, 1984	S/A J. Greg Geittmann #1984			
Subject:		**Case Agent:**	**Office:**	**Typed By:**	**Date:**
MISSOURI PORTLAND CEMENT STRIKE		Thrailkill	Zone 13	jw	06/25/84

On the evening of Monday, June 18, 1984, reporting agent observed the following vehicles parked at the entrance of the MISSOURI PORTLAND CEMENT PLANT.

Vehicle #1: Bearing 1984, Kentucky registration FLA 998.

VEHICLE REGISTERS TO:	MIKE DOUBLIN
ADDRESS:	Box 25
CITY/STATE:	Blandville, Kentucky
VEHICLE MAKE:	77 Chev. PK Black
VIN:	CCL447S136937

Vehicle #2: Bearing 1984, Illinois registration ZQN 492.

VEHICLE REGISTERS TO:	BOBBY FLETCHER
ADDRESS:	R.R. 4
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	77 Dodge Van
VIN:	B21BE7X107822

Vehicle #3: Bearing 1984, Illinois registration 674849.

VEHICLE REGISTERS TO:	MARYLOU SARKADY - Mult Owner
ADDRESS:	114 Acron Lane
CITY/STATE:	Lake in the Hills
VEHICLE MAKE:	76 Mercury 2 Door
VIN:	6A93H557671

Vehicle #4: Bearing 1984, Illinois registration JS 511.

VEHICLE REGISTERS TO:	JAMES L. SHRUM
ADDRESS:	511 Hillcrest
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	67 Volkswagen Sedan
VIN:	117842830

Vehicle #5: Bearing 1984, Illinois registration MC6 150.

VEHICLE REGISTERS TO:	RUDOLPH HUFFMAN
ADDRESS:	Box 53
CITY/STATE:	Irving, Illinois
VEHICLE MAKE:	69 Ford Hardtop
VIN:	9U66Y109606

Dissemination:

DLE4-3 (8/77)

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Vehicle #6: Bearing 1984, Illinois registration QN 492.

VEHICLE REGISTERS TO:	TIMOTHY V. ADAMS
ADDRESS:	11247 S. Central Park
CITY/STATE:	Chicago, Illinois
VEHICLE MAKE:	75 Chevrolet Coupe
VIN:	1X27D5W114946

Vehicle #7: Bearing 1984, Illinois registration WY9 023.

VEHICLE REGISTERS TO:	DAVID BECK
ADDRESS:	RR 1
CITY/STATE:	Karnak, Illinois
VEHICLE MAKE:	83 Chevrolet Coupe
VIN:	1G1AS87HXDL142233

Vehicle #8: Bearing 1984, Illinois registration 675452B.

VEHICLE REGISTERS TO:	ERIC L. BOWMAN - Mult Owner
	CONNIE C. BOWMAN
ADDRESS:	407 E. 4th
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	79 Chevrolet pickup
VIN:	CKL149S124009

Vehicle #9: Bearing 1984, Illinois registration QS8 691.

VEHICLE REGISTERS TO:	JAMES H. ANDERSON
ADDRESS:	RR 1
CITY/STATE:	Karnak, Illinois
VEHICLE MAKE:	79 Chevrolet 4 Door
VIN:	1W19J91415778

Vehicle #10: Bearing 1984, Illinois registration ZBY 146.

VEHICLE REGISTERS TO:	KENNETH KERR
ADDRESS:	Pearl Street
CITY/STATE:	Joppa, Illinois
VEHICLE MAKE:	83 Oldsmobile Coupe
VIN:	1G3AR47Y9DM379401

Vehicle #11: Bearing 1984, Illinois registration NC9 085.

VEHICLE REGISTERS TO:	WILLIAM HATFIELD
ADDRESS:	Rt. 1, Box 249
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	78 Oldsmobile 2 Door
VIN:	3N37R8X187440

Vehicle #12: Bearing 1984, Illinois registration BC7 305.

VEHICLE REGISTERS TO:	ERICH A. GENZ - Mult Owner
ADDRESS:	904 Kishwaukee St.
CITY/STATE:	Belvidere, Illinois
VEHICLE MAKE:	78 Dodge 4 Door
VIN:	GH41G8G243033.

Vehicle #13: Bearing 1984, Illinois registration LF2 879.

VEHICLE REGISTERS TO:	LARRY J. FIORENTINI
ADDRESS:	RR 1
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	66 Plymouth 2 DR HT
VIN:	PP23E62251784

Vehicle #14: Bearing 1984, Illinois registration NC7 305.

VEHICLE REGISTERS TO:	H. B. PARKER
ADDRESS:	Box 183
CITY/STATE:	Joppa, Illinois
VEHICLE MAKE:	76 Buick Passenger
VIN:	4J57C6H260043

Vehicle #15: Bearing 1984, Illinois registration YCR 312.

VEHICLE REGISTERS TO:	DONALD FIX
ADDRESS:	610 E. 9th St.
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	76 Ford 2 DR HT
VIN:	6U62H185087

Vehicle #16: Bearing 1984, Illinois registration 675061B.

VEHICLE REGISTERS TO:	DONALD R. STATON
ADDRESS:	Rt. 1
CITY/STATE:	Grand Chain, Illinois
VEHICLE MAKE:	68 Ford Pickup
VIN:	F10YKD17497

Vehicle #17: Bearing 1984, Illinois registration 429160B.

VEHICLE REGISTERS TO:	JESS KESTER
ADDRESS:	RR 1
CITY/STATE:	Karnak, Illinois
VEHICLE MAKE:	82 Chevrolet Pickup
VIN:	1GCDS14AXC2115743

Vehicle #18: Bearing 1984, Illinois registration 675452B.

VEHICLE REGISTERS TO:	ERIC L. BOHMAN - Mult Owner
	CONNIE C. BOHMAN

ADDRESS:	407 E. 4th
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	79 Chevrolet Pickup
VIN:	CKL149S124009

Vehicle #19: Bearing 1984, Illinois registration 675061B.

VEHICLE REGISTERS TO:	DONALD R. STATON
ADDRESS:	Rt. 1
CITY/STATE:	Grand Chain, Illinois
VEHICLE MAKE:	68 Ford Pickup
VIN:	F10YKD17497

Vehicle #20: Bearing 1984, Illinois registration 674849B.

VEHICLE REGISTERS TO:	ROBERT BREWER
ADDRESS:	Rt. 1
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	71 Chevrolet Pickup
VIN:	CF141S617845

Vehicle #21: Bearing 1984, Illinois registration MN5 930.

VEHICLE REGISTERS TO:	FLOYD J. HOLDERFIELD - Mult Owner MARGIE HOLDERFIELD
ADDRESS:	1609 Chestnut Street
CITY/STATE:	Marion, Illinois
VEHICLE MAKE:	78 Buick 4 Door
VIN:	4X69X8E128224

Vehicle #22: Bearing 1984, Illinois registration TH3 288.

VEHICLE REGISTERS TO:	RICKY ROSE - Mult Owner JULIE ROSE
ADDRESS:	1805 Ferry
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	82 Chevrolet Coupe
VIN:	1G1AP8726CL189237

Vehicle #23: Bearing 1984, Illinois registration 674355B.

VEHICLE REGISTERS TO:	JEFFREY L. BECK
ADDRESS:	RR 1
CITY/STATE:	Metropolis, Illinois
VEHICLE MAKE:	79 Chevrolet Pickup
VIN:	CCD149S211980

Vehicle #24: Bearing 1984, Illinois registration NC6 830.

VEHICLE REGISTERS TO:	RANDY FOGLE - Mult Owner PATTY FOGLE
ADDRESS:	RR 1
CITY/STATE:	Karnak, Illinois

	VEHICLE MAKE:	68 Chevrolet Sedan
	VIN:	156698D170188
Vehicle #25:	Bearing 1984, Illinois registration 65533.	
	VEHICLE REGISTERS TO:	KATHLEEN P. SIMS
	ADDRESS:	12210 S. Racine
	CITY/STATE:	Chicago, Illinois
	VEHICLE MAKE:	78 Chevrolet 2 Door
	VIN:	1Q87U8L501317
Vehicle #26:	Bearing 1984, Illinois registration 52994B.	
	VEHICLE REGISTERS TO:	GENERAL TELEPHONE CO. ILL. - Firm Own
	CITY/STATE:	Metropolis, Illinois
	VEHICLE MAKE:	77 Ford Van
	VIN:	E16BHY44405
Vehicle #27:	Bearing 1984, Illinois registration 675329B.	
	VEHICLE REGISTERS TO:	LARRY D. GREER
	POB:	123 Belknap, Illinois
	VEHICLE MAKE:	78 Chevrolet Pickup
	VIN:	CKL148S119112
Vehicle #28:	Bearing 1984, Illinois registration 674213B.	
	VEHICLE REGISTERS TO:	CLETA L. SNELL - Mult Owner
		ARNOLD SNELL
	ADDRESS:	R.R. 1
	CITY/STATE:	Grand Chain, Illinois
	VEHICLE MAKE:	83 Ford Pickup
	VIN:	2FTEF25G7DCA24106
Vehicle #29:	Bearing 1984, Illinois registration 784515B.	
	VEHICLE REGISTERS TO:	TERRALL L. STEWART - Mult Owner
		CASSANDRA STEWART
	ADDRESS:	608 Adams
	CITY/STATE:	Toledo, Illinois
	VEHICLE MAKE:	83 Ford Pickup
	VIN:	1FTCF10Y6DLA60657

The CHAIRMAN. Tell me, how many instances have there been of assault with bricks, knives, or rocks on vehicles driven by the company or by contractor personnel?

Mr. MCINTYRE. Well, Senator, I believe that to be in the dozens. However, we only have eight police reports of eight incidents to present today.

The CHAIRMAN. We will put those reports into the record as McIntyre exhibits Nos. 8, 9, 10, 11, 12, 13, 14, and 15.

[McIntyre exhibits Nos. 8, 9, 10, 11, 12, 13, 14, and 15 follow:]

McINTYRE #8

JUL 0 6 1984

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrance	5. Number
1,3	1. On View | 4. U.S. Mail 2. Telephone | 5. Other Agency 3. In Person | 6. CB Radio	Date 07.03.84 Time 10:00 AM PM	Date 07.03.84 Time 0:58 AM PM	F-13-84-1021

CODES

1. TYPE OF REPORT: 1. Incident Report, 2. Case Data Report, 3. Prelim. Investigation, 4. Per. Hosiery Info., 5. Loss or damage of ISP equipment, 6. Personal Injury, 7. Encounters, 8. Intoxication Treatment Act

6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle, 2. 2 Man Patrol Vehicle, 3. Detective or Special Assignment, 4. Other Special Assignments, 5. Off Duty

7. SYMBOLS: C. Complainant, D. Defendant, I. Informant, S. Suspect, V. Victim, W. Witness, N. Relative, DR. Driver, P. Passenger, O. Other

8d. RACE: W- White, N- Negro, I- Amer. Indian/Alaskan, M- Mexican, P- Puerto Rican, H- Other Hispanic, A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black, 2. Blue, 3. Brown, 4. Grey, 5. Green, 6. Hazel, 7. Maroon, 8. Pink

8h. HAIR COLOR: 1. Bald, 2. Black, 3. Blonde or Strawberry, 4. Brown, 5. Gray or Part. Gray, 6. Red or Auburn, 7. Sandy, 8. White

8i. BUILD: 1. Heavy, 2. Medium, 3. Thin, 4. Slight

8k. MARITAL STATUS: 1. Married, 2. Separated, 3. Divorced, 4. Single, 5. Remarried

10c. INJURIES: 1. Killed, 2. Fractures, 3. Stab Wounds, 4. Gunshot Wounds, 5. Scratches & Bites-Human, 6. Scratches & Bites-Animal, 7. Bruises & Abrasions, 8. Lacerations, 9. Poison, 0. Burns

12a. WEAPON: 1. Hands, 2. Feet, 3. Handgun, 4. Shotgun, 5. Rifle, 6. Knife, 7. Club, 8. Bottle, 9. Vehicle, 0. Other

12c. CASE STATIVE: 0. Unfounded (False or Baseless Complaint), 1. Referred to Responsible Jurisdiction, 2. Pending Investigation
CLEARED BY ARREST: 3. Adult, 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult, 6. Failed to File Complaint or Prosecute-Juv., 7. Other Exceptional Clearances-Adult, 8. Other Exceptional Clearances-Juv., 9. Case Administratively Closed

6. Brief Description: No Arrest — criminal damage to property
a. Location: 2.5 miles south of Mermet on Rt. 45
City: Massac County/Township: 15

b. Investigating Officer (Print or Type - Last, First, Middle)	I.D. No.	Dist. No.	c. Response Vehicle	d. Assisting Officer (Last, First, Middle)	I.D. No.	Dist. No.	e. Response Vehicle
Marlow, Jeffrey A.	#3094	13	1	NA			NA

7. PERSONS

a. Name (Last, First, Middle)	b. Home Address	c. Telephone	d. Business Name and Address
Gibson, Roy L.	RR#1 Metropolis IL. 62960	618-524-3321	NA

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
405-54-8897	09.03.37	M	W	5'11	235	3	4	Med	1	4	NA

8. a. Driver License No.	b. Date Arrested	Time	c. Location of Arrest	d. Offense Section	a. A C	b. S I O	f. Where Held
G125-7323-9065	NA	AM PM	NA	NA			NA

10. a. Place of Birth	b. Alias	c. Injuries	d. Address where treatment given	e. I.S.P. Ticket No.	f. CIB Case No.
Warden IL.	NA	NA	NA	NA	NA

11. a. Ct. App. Date	b. Date Miranda Given	Time	c. Officer Name	I.D. No.	d. Fingerprinted by	e. Date	f. Time	g. Occupation	h. FBI No.	i. SSS No.
NA	NA	AM PM	NA		NA	NA	NA	Truck Driver	NA	NA

12. a. Weapon	b. 1 Arm Involved 2 Leg Involved	c. Case Status	d. Place	e. Method	f. Property Code	g. Recovery Code	h. Property — Value	STOLEN	RECOVERED	DAMAGED	i. LEADS Message No.
NA		5	238	396	834	NA	30				NA

5. PERSONS

a. Name (Last, First, Middle)	b. Home Address	c. Telephone	d. Business Name and Address
Gill, Virgil L.	Box 328 Joppa IL.	NONE	NA

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
352-62-8748	07.29.62	M	W	5'11	175	2	2	Med	1	4	NONE

8. a. Driver License No.	b. Date Arrested	Time	c. Location of Arrest	d. Offense Section	a. A C	b. S I O	f. Where Held
G400-8726-2215	NA	AM PM	NA	35-21-1			NA

10. a. Place of Birth	b. Alias	c. Injuries	d. Address where treatment given	e. I.S.P. Ticket No.	f. CIB Case No.
Joliet IL.	NA	NA	NA	NA	NA

11. a. Ct. App. Date	b. Date Miranda Given	Time	c. Officer Name	I.D. No.	d. Fingerprinted by	e. Date	f. Time	g. Occupation	h. FBI No.	i. SSS No.
NA	NA	AM PM	NA		NA	NA	NA	Unemployed	NA	NA

12. a. Weapon	b. 1 Arm Involved 2 Leg Involved	c. Case Status	d. Place	e. Method	f. Property Code	g. Recovery Code	h. Property — Value	STOLEN	RECOVERED	DAMAGED	i. LEADS Message No.
0		5	238	396	834	NA					NA

VEHICLE OR BOAT INFORMATION

13. a. Color	b. Year	c. Mfr. Trade Name	d. Body/Hull Style	e. Year/State	f. License No.	g. Vessel/VIN
White	1976	Buick	4DR	1984 IL.	AWU 512	4H69C6K103257

h. Owner	i. Address	j. Telephone	k. Est. Damage
Roy L. Gibson	RR#1 Metropolis IL. 62960	618-524-3321	30.00

14. Signature of Investigating Officer	a. Date	b. Copies to:	Quality Check Initials	I.D. No.	Page
Jeff A. Marlow	07.03.84	C = 213	JW	#3094	of 1 Pages

DLE 548 (7-83)

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NARRATIVE OR ROAD BLOCK LOG

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE

On the date of 07-03-84 this reporting trooper was dispatched to the Roy L. Gibson residence at RR#2 Metropolis. I was to take a report from Mr. Gibson about an unknown subject throwing an unknown object at his vehicle and breaking out a small window on the right rear passenger door. At around 10:30 PM I met with Mr. Gibson. He stated that at 9:55 PM while he was en route home from Mermet, as he passed an old model Chevy picky, bearing Ill reg. 787848 B (both vehicles south bound on Rt. 45 → 2.5 miles south of Mermet) a W/M subject threw an object at his vehicle, breaking the window. This reporting trooper went into Joppa locating this truck at a private residence. The owner of this truck was a James O. Cahoon W/M DOB 12-28-20. I spoke with Mr. Cahoon about this incident. Mr. Cahoon remembered Mr Gibson passing him, but was unaware that Mr Gill, (A passenger in the back of Cahoons truck) had thrown an object at Mr. Gibsons Vehicle. Mr. Cahoon agreed to go to the Gibson residence with this trooper to discuss this incident. Mr. Cahoon spoke with Mr Gibson about the damaged window. Mr. Gibson stated that he would not press charges against Mr. Gill. Mr. Cahoon agreed to take care of the damage. No arrest made by this trooper.

- Passengers in Mr. Gibsons vehitle Maxine B. Korte W/F DOB 06-13-20, Johnie L. Gibson W/M DOB Patti J. Shreves W/F DOB 02-07-67, Lesa L. Gibson W/F DOB 11-02-70.

- Passengers in Mr. Cahoons truck were: Mary L. Gill W/F DOB 05-11-37, Micah Clifton W/F 11-24 Donald W. Morgan W/M DOB 01-25-66; Virgil L. Gill W/M DOB 07-29-62.

Tpr J. Hayes Mc Lain 3084

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McINTYRE #9

84P2062

[redacted] JUL 06 1984

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
1+3	1. On View 14. U.S. Mail 2. Telephone 15. Other Agency 3. In Person 16. CB Radio	Date 07,03,84 Time 4:25 AM/PM	Date 07,03,84 Time 3:15 AM/PM	F-13-84-10

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Prelim. Investigation 4. Par. Misconduct Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Encounters 8. Intoxication Treatment Act

6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White B- Black I- Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Gray 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Gray or Part. Gray 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10c. INJURIES: 1. Killed 2. Fractures 3. Stab Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bottle 9. Vehicle 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Complaints) 1. Referred to Responsible Jurisdiction 2. Pending Investigation
CLEARED BY ARREST: 3. Adult 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Ad 6. Failed to File Complaint or Prosecute-Ju 7. Other Exceptional Clearances Adult 8. Other Exceptional Clearances Juv. 9. Case Administratively Closed

Brief Description: ROCK THROWING INCIDENT Mo. PORTLAND — a. Location: 400 FT. E. OF MAIN GATE - Mo. PORTLAND CEMENT — City — County/Township: MASSAC/15

b. Investigating Officer (Print or Type - Last, First, Middle) | I.D. No. | Dist. No. | c. Response Vehicle | d. Assisting Officer (Last, First, Middle) | I.D. No. | Dist. No. | e. Response Veh
TPR. FREEDMAN, DONNIE R | 2249 | 13 | 2 | TPR. MATHIS, STANLEY A. | 1170 | 13 | 2

7a. Name (Last, First, Middle) | b. Home Address | c. Telephone | d. Business Name and Address
DR. FREEMAN, THOMAS W. | 317 W. 6TH ST. METROPOLIS, IL. | 524-8803 | TRANSPORT INC. JOPPA, I

8a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
305-46-6597	07,24,44	M	W	5'3"	130	3	4	FAIR	4	3	

9a. Driver License No. | b. Date Arrested Time | c. Location of Arrest | d. Offense Section | e. A/B/C | f. Where Held
FL52-8394-4210 | , , N/A | N/A | 38 21-1 | C 10 | N/A

10. a. Place of Birth | b. Alias | c. Injuries | d. Address where treatment given | e. I.S.P. Ticket No. | f. CIB Case No.
UNION TOWN, KY | N/A | N/A | N/A | N/A | N/A

11. a. Ct. App. Date | b. Date Miranda Given Time | c. Officer Name I.D. No. | d. Fingerprinted by | e. Date | f. Bond | g. Occupation | h. FBI No. | i. ISB No.
N/A | , N/A | N/A | N/A | N/A | N/A | DRIVER | N/A | N/I

12. a. Weapon | b. 1. Victim involved 2. Suspect involved | c. Case Status | d. Place | e. Method | f. Property Code | g. Recovery Code | h. Property - Value: STOLEN | RECOVERED | DAMAGED | i. LEADS Message No.
0 Rocks | | 2 | 238 | 411 | 837 | N/A | N/A | | | N/A.

7. a. Name (Last, First, Middle) | b. Home Address | c. Telephone | d. Business Name and Address
DR. JOHNSON, WILLIAM R. | RR2 Box 58 BROWNSTOWN IL. | 253-4542 | TRANSPORT INC. JOPPA I

8a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
411-70-8781	05,13,44	M	W	5'11"	180	2	4	FAIR	2	1	

9a. Driver License No. | b. Date Arrested Time | c. Location of Arrest | d. Offense Section | e. A/B/C | f. Where Held
J525-9364-4137 | , N/A | N/A | 38 21-1 | C 10 | N/A

10. a. Place of Birth | b. Alias | c. Injuries | d. Address where treatment given | e. I.S.P. Ticket No. | f. CIB Case No.
LAKE CITY, TN. | N/A | N/A | N/A | N/A | N/A

11. a. Ct. App. Date | b. Date Miranda Given Time | c. Officer Name I.D. No. | d. Fingerprinted by | e. Date | f. Bond | g. Occupation | h. FBI No. | i. ISB No.
N/A | , N/A | N/A | N/A | N/A | N/A | DRIVER | N/A | N/A

12. a. Weapon | b. 1. Victim involved 2. Suspect involved | c. Case Status | d. Place | e. Method | f. Property Code | g. Recovery Code | h. Property - Value: STOLEN | RECOVERED | DAMAGED | i. LEADS Message No.
0 Rocks | | 2 | 238 | 411 | 837 | N/A | N/A | | | N/A

VEHICLE OR BOAT INFORMATION

13. a. Color: RED | b. Year: 1978 | c. Mfg. Trade Name: WHITE | d. Body/Hull Style: TRUCK-TRACTOR | e. Year/State: 84/IL. | f. License No.: P44763 | g. VIN/Hull No.: CB113HP148128

h. Owner: COMMERCIAL TRANSPORT INC | i. Address: 2075 20TH ST. BELLEVILLE, IL. 62222 | j. Telephone: 618-233-5760 | k. Est. Damage: NONE

14. Sig. of Investigating Officer: T. N.A. Freedman #2249 | a. Date: 07,03,84 | b. Copies: 2 : 3,3 | Quality Check: Initials [illegible] I.D. No. 1394

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NARRATIVE OR ROAD BLOCK LOG

#	COLOR OF VEHICLE	YEAR	MAKE	LICENSE	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO

ON 07-03-84 AT APPROXIMATELY 4:25 P.M., TROOPER D.R. FRIEDMAN #2249 (R/O) AND TROOPE S.A. MATHIS #1170 RECEIVED A RADIO CALL FROM SGT. STEVENS TO 10-25 COMMERCIAL TRA INC., AND TAKE A FIELD REPORT ON A ROCK THROWING INCIDENT.

THE R/O AND TPR. MATHIS ARRIVED AT THE TERMINAL AT APPROXIMATELY 4:35 P.M., AND M WITH THE DRIVERS (MR. FRENCH AND MR. JOHNSON). MR. FRENCH WAS DRIVING THE L VEHICLE WESTBOUND ON JOPPA ROAD, AND WAS FOLLOWED BY MR. JOHNSON IN THE SEC VEHICLE. MR. FRENCH STATED HE OBSERVED A FEMALE SUBJECT DRAW BACK HER ARM IE TO THROW AN OBJECT. MR. JOHNSON STATED HE OBSERVED THE SAME FEMALE HA AN OBJECT (APPROXIMATELY 3 INCHES IN DIAMETER AND GRAY IN COLOR) WHICH APPEARED TO BE ROCK. NEITHER VEHICLE WAS STRUCK BY THE OBJECT. BOTH DRIVERS DESCRIBED THE SUBJ AS FEMALE/WHITE, APPROXIMATELY 5 FT. 6 INCHES, 140 LBS., 35 YEARS OF AGE, WITH DARK CO HAIR. HER CLOTHING WAS DESCRIBED AS BLACK SHORTS WITH A WHITE TOP.

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[redacted]

McINTYRE #10

[redacted] JUL 16 1984

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
1,2,3	2. Telephone	Date 7-11-84 Time 4:45 AM/PM	Date 7-11-84 Time 4:20 AM/PM	F-12-84-1069

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Prelim. Investigation 4. Per. History Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Encounters 8. Intoxication Treatment Act

6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White N- Negro I- Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Gray 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Grey or Part. Grey 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 8. Remarried

10a. INJURIES: 1. Killed 2. Fractures 3. Stab Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bottle 9. Vehicle 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Complaints) 1. Referred to Responsible Jurisdiction 2. Pending Investigation — CLEARED BY ARREST: 3. Adult 4. Juvenile — EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearances-Adult 8. Other Exceptional Clearances-Juv. 9. Case Administratively Closed

8. a. Brief Description: CRIMINAL DAMAGE TO PROPERTY | e. Location: TOPPA BLACKTOP 1-MILE WEST OF RT. #45 | City: | County/Township: MASSAC

b. Investigating Officer (Print or Type - Last, First, Middle) I.D. No. Dist No.: CAUBLE, NORMAN L. #518 #18 | c. Radioed Vehicle: 1 | d. Assisting Officer (Last, First, Middle) I.D. No. Dist. No.: WALLACE, CHARLES L. #1143 #13 | e. Response Vehicle: 2

a. Name (Last, First, Middle): KELLER, DONALD R | b. Home Address: DAVIS ST. JOPPA, IL | c. Telephone: — | d. Business Name and Address: —

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
261-32-9358	01 19 43	M	W	510	195	3	4	MED	MED	1	—

a. Driver License No.: K422-1964-2019 IL. | b. Date Arrested: — Time: — AM/PM | c. Location of Arrest: — | d. Offense Section: — | e. A[ ] B[ ] C[ ] O[X] | f. Where Held: —

a. Place of Birth: — | b. Alias: — | c. Injuries: — | d. Address where treatment given: — | e. I.S.P. Ticket No.: — | f. CIB Case No.: —

a. Ct. App. Date: / / | b. Date Miranda Given: / / Time: — AM/PM | c. Officer Name: — I.D. No. | d. Fingerprinted by: — | e. Date: / / | f. Bond: — | g. Occupation: DRIVER | h. FBI No.: — | i. ISS No.: —

12. a. Weapon: — | b. 1.[ ] Alcohol Involved 2.[ ] Drugs Involved | c. Case Status: 1 | d. Place: 238 | e. Method: 410 | f. Property Code: — | g. Recovery Code: — | h. Property – Value: $200.00 STOLEN RECOVERED DAMAGED | i. LEADS Message No.: —

7. a. Name (Last, First, Middle) | b. Home Address | c. Telephone | d. Business Name and Address

8. a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
	/ /										

9. a. Driver License No. | b. Date Arrested / / Time AM/PM | c. Location of Arrest | d. Offense Section | e. A[ ] B[ ] C[ ] O[ ] | f. Where Held

10. a. Place of Birth | b. Alias | c. Injuries | d. Address where treatment given | e. I.S.P. Ticket No. | f. CIB Case No.

11. a. Ct. App. Date / / | b. Date Miranda Given / / Time AM/PM | c. Officer Name I.D. No. | d. Fingerprinted by | e. Date / / | f. Bond | g. Occupation | h. FBI No. | i. ISS No.

12. a. Weapon | b. 1.[ ] Alcohol Involved 2.[ ] Drugs Involved | c. Case Status | d. Place | e. Method | f. Property Code | g. Recovery Code | h. Property – Value | i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13. a. Color (Year)	b. Year	c. Mfg. Trade Name	d. Body Int. Style	e. Year/State	f. License No.	g. Vin/Hull No.
YELLOW & BLACK	1978	FREIGHTLINER	TANK	84 IL.	P44817	48125

Owner: COMMERCIAL TRANSPORT INC. | i. Address: 207 S. 20th ST. P.O. Box 469 BELLEVILLE, IL. | j. Telephone: — | k. Est. Damage: 200.00

14. Signature of Investigating Officer: Pl. Norman L. Gauble | b. Date: 8/11/84 | c. Copies To: D.C.I. + File | Quality Control: Initial | I.D. No.: 85 | Page 1 of 1 Pages

ISP 5-607 (R)

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52-750 O—85—4

NARRATIVE OR ROAD BLOCK LOG

TIME	COLOR	VEHICLE	YEAR	MAKE	LICENSE NO.	STATE		COLOR OF VEHICLE	YEAR	MAKE	LICENSE	STATE

R/O WAS ASSIGNED A INCIDENT AT THE COMMERCIAL TRANSPORT TERMINAL IN JOPPA. WHEN R/O ARRIVED THE DRIVER KELLER, DONALD R. W M D.O.B. 01-19-43 STATED HIS TRUCK HAD BEEN STRUCK WITH A BRICK ON THE JOPPA BLACKTOP ABOUT A MILE WEST OF RT. # 45. THE DRIVER STATED HE COULD NOT IDENTIFY THE PERSON WHO THREW THE BRICK. THE DRIVER STATED THE BRICK WAS THROWN FROM A GREY AND BLACK CAMARO. THE VEHICLE BELIEVED TO BE INVOLVED IN A PREVIOUS INCIDENT LICENSE # LTD 699. DAMAGE TO TRUCK, HOOD ON DRIVER'S SIDE.

RECEIVED
JAN 11 10 01 AM
INVESTIGATION
SUPT. OF
STATE

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[redacted]

McINTYRE #11

NUD [redacted] 84R2062

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 1-3
2. How I.S.P. Initially Notified: 1. On View | 2. Telephone | 3. In Person | 4. U.S. Mail | 5. Other Agency | 6. CB Radio
3. Initial Notification: Date 08/02/84 Time 7:20 AM/PM
4. Incident Occurrence: Date 08/02/84 Time 7:15 AM/PM
5. Number: F-13-84-121

CODES

1. TYPE OF REPORT: 1. Accident Report 2. Case Data Report 3. Prelim. Investigation 4. Fur. History Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Encounters 8. Intoxication Treatment Act

6a. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White B- Black I- Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Grey 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Grey or Part. Grey 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10a. INJURIES: 1. Killed 2. Fractures 3. Both Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bottle 9. Vehicle 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Complaint) 1. Referred to Responsible Jurisdiction 2. Pending Investigation
CLEARED BY ARREST: 3. Adult 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearances-Adult 8. Other Exceptional Clearances-Juv. 9. Case Administratively Closed

6. Brief Description: TRUCK DAMAGE - MO. PORTLAND CEMENT CO.
6a. Location: COUNTY RD. JOHNSON AT COUNTY RD. 350E — City: MASSAC — County/Township: 15
6b. Investigating Officer (Print or Type - Last, First, Middle) I.D. No. Dist No.: YOUNG, ROGER A. 474 13
6c. Responding Vehicle: 1
6d. Assisting Officer (Last, First, Middle) I.D. No. Dist. No. 6e. Responding Vehicle:

C
7a. Name (Last, First, Middle): JOHNSON, WILLIAM R.
7b. Home Address: RR 2, BROWNSTOWN, ILL
7c. Telephone: —
7d. Business Name and Address: —
8a. Soc. Sec. No.: 411-70-8781
8b. D.O.B.: 05113146
8c. Sex: M
8d. Race: W
8e. Ht.: 511
8f. Wt.: 180
8g. Color Eyes: 2
8h. Color Hair: 4
8i. Complexion: Med.
8j. Build: 2
8k. Mar. Status: 1
8l. Scars - Tattoos - Deformities - Amputations: NONE
9a. Driver License No.: J525-9364-4137
9b. Date Arrested: N.A. Time: AM/PM
9c. Location of Arrest: N.A.
9d. Offense Section: 38-21-1
9e. A/C/B/O
9f. Where Held: N.A.
10a. Place of Birth: N.A.
10b. Alias: N.A.
10c. Injuries: NONE
10d. Address where treatment given: N.A.
10e. I.S.P. Ticket No.: N.A.
10f. CIB Case No.: N.A.
11a. Ct. App. Date: N.A.
11b. Date Miranda Given: N.A. Time: AM/PM
11c. Officer Name: N.A. I.D. No.
11d. Fingerprinted by: N.A.
11e. Date: N.A.
11f. Bond: N.A.
11g. Occupation: TRUCK DR.
11h. FBI No.: N.A.
11i. IBB No.: N.A.
12a. Weapon: N.A.
12b. T. / 2. Alcohol Involved / Drug Involved
12c. Case Status: 2
12d. Place: 511
12e. Method: N.A.
12f. Property Code: N.A.
12g. Recovery Code: N.A.
12h. Property – Value: N.A. — STOLEN | RECOVERED | DAMAGED
12i. LEADS Message No.: N.A.

D
7a. Name (Last, First, Middle)
7b. Home Address
7c. Telephone
7d. Business Name and Address
8a. Soc. Sec. No.
8b. D.O.B.
8c. Sex
8d. Race
8e. Ht.
8f. Wt.
8g. Color Eyes
8h. Color Hair
8i. Complexion
8j. Build
8k. Mar. Status
8l. Scars - Tattoos - Deformities - Amputations
9a. Driver License No.
9b. Date Arrested Time AM/PM
9c. Location of Arrest
9d. Offense Section
9e. A/C/B/O
9f. Where Held
10a. Place of Birth
10b. Alias
10c. Injuries
10d. Address where treatment given
10e. I.S.P. Ticket No.
10f. CIB Case No.
11a. Ct. App. Date
11b. Date Miranda Given Time AM/PM
11c. Officer Name I.D. No.
11d. Fingerprinted by
11e. Date
11f. Bond
11g. Occupation
11h. FBI No.
11i. IBB No.
12a. Weapon
12b. T. / 2. Alcohol Involved / Drug Involved
12c. Case Status
12d. Place
12e. Method
12f. Property Code
12g. Recovery Code
12h. Property – Value: STOLEN | RECOVERED | DAMAGED
12i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13a. Color: Red
13b. Year: 1972
13c. Mfg. Trade Name: HENDRICKSON
13d. Body/Hull Style: SEMI TRACTOR
13e. Year/State: 84 ILL
13f. License No.: 652.68
13g. Vin/Hin: 72-10300
13h. Owner: COMMERCIAL TRANSPORT INC.
13i. Address: BELLEVILLE, ILL
13j. Telephone: —
13k. Est. Damage: 200 CC
14. Signature of Investigating Officer: Roger E. Young
14a. Date: 08/02/84
14b. Code No.: 062 213
14c. Time: AM/PM
14d. I.D. No.: 911

Page 1 of 1 Pg

DLE 84-4

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THE CONTENTS OF THIS DOCUME[illegible]RE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE

ON 08-02-84 AT 7:20 AM I WAS ADVISED by MASSAC Co. SHERIFF'S DEPT. THAT MISSOURI PORTLAND CEMENT CO. REQUESTED A TROOPER REFERENCE TRUCK DAMAGE TO A VEHICLE HAULING CEMENT FROM THEIR PLANT.

I ARRIVED AT THE PLANT SITE AT 7:30 AM AND WAS ADVISED by A MR. WILLIAM JOHNSON THAT THE TRUCK HE WAS DRIVING had been DAMAGED by NAILS SCATTERED ON THE ROADWAY AND THE DRIVERS SIDE of THE CAB had been STRUCK by A BOTTLE THROWN by AN UNKNOWN PERSON. THIS OCCURED ON COUNTY ROAD 1000N AT COUNTY ROAD 350E APPROX ½ MILE FROM THE PLANT SITE WHILE THE TRUCK WAS EASTBOUND TOWARD THE PLANT. MR. JOHNSON COULD NOT IDENTIFY THE PERSON WHO THREW THE BOTTLE.

THERE WAS A 4 PRONG NAIL LIKE OBJECT IMBEDDED IN THE LEFT INSIDE DUAL WHEEL TIRE AND A SMALL HALF CIRCLE DENT IN THE CAB ON THE DRIVERS SIDE. I GAVE THE ABOVE INFORMATION TO THE MASSAC Co. SHERIFF'S DEPT.

A MR. BILL SACHARNOSKI, SUPERVISOR OF SECURITY for MO. PORTLAND, ADVISED ME WHEN I ARRIVED AT THE PLANT, THAT he had CALLED THE SHERIFF'S DEPT. RE: THE INCIDENT BUT had NOT SPECIFIED A TROOPER TO INVESTIGATE.

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McINTYRE

AUG 8 1984

ILLINOIS STATE POLICE FIELD REPORT

#12

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
1, 3	1. On View 2. Telephone 3. In Person 4. U.S. Mail 5. Other Agency 6. CB Radio	Date 08/05/84 Time 12:30 AM/PM	Date 08/05/84 Time 12:15 AM/PM	F-13-84-1237

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Prelim. Investigation 4. Per. History Info. 5. Loss or Damage of ISP equipment 6. Personal Injury 7. Encounters 8. Immobilization Treatment Act

6a. & 6c. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White N- Negro I- Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Gray 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Gray or Part. Grey 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10c. INJURIES: 1. Killed 2. Fractures 3. Stab Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bottle 9. Vehicle 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Complaints) 1. Referred to Responsible Jurisdiction 2. Pending Investigation — CLEARED BY ARREST: 3. Adult 4. Juvenile — EXCEPTIONAL CLEARANCE: 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearances-Adult 8. Other Exceptional Clearances-Juv. 9. Case Administratively Closed

6. Brief Description: Criminal Damage to Property

a. Location: Massac Co. Rd #4.00 E. @ the Grade School Joppa IL

City / County/Township: MASSAC / 15

b. Investigating Officer (Print or Type - Last, First, Middle) I.D. No. Dist. No.: MARLOW, Jeffrey A. 3004 13

c. Responding Vehicle: 1

d. Assisting Officer (Last, First, Middle) I.D. No. Dist. No.: NA

e. Responding Vehicle: NA

7

a. Name (Last, First, Middle): Moore Thomas E.

b. Home Address: 1638 Ransland Rd. Louisville KY.

c. Telephone: 502-966-2529

d. Business Name and Address: CROSSTOWN Securities CHICAGO

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex.	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
403-90-6795	06/04/55	M	N	5'8	220	6	1	Med	1	4	NONE

8. a. Driver License No.: M400-792-159-420-8 b. Date Arrested: , , NA Time: AM/PM c. Location of Arrest: NA d. Offense Section: 38-21-1 e. A/C: A 1 B 1 C 1 O 0 f. Where Held: NA

10. a. Place of Birth: Shelbyville KY. b. Alias: NA c. Injuries: 8 d. Address where treatment given: NA e. I.S.P. Ticket No.: NA f. CIB Case No.: NA

11. a. Ct. App. Date: NA b. Date Miranda Given: , , NA Time: AM/PM c. Officer Name: NA I.D. No. d. Fingerprinted by: NA e. Date: NA f. Sent: NA g. Occupation: Guard h. FBI No.: NA i. ISP No.: NA

12. a. Weapon: 0 b. 1. Alcohol Involved 2. Drugs Involved c. Case Status: 2 d. Place: 238 e. Method: 292 f. Property Code: 834 g. Recovery Code: NA h. Property — Value: STOLEN 1000.00 RECOVERED DAMAGED i. LEADS Message No.: NA

NR

a. Name (Last, First, Middle): Lutz Harold E.

b. Home Address: 1435 S. 8th St Louisville KY.

c. Telephone: NONE

d. Business Name and Address: Crosstown Security Chicago IL

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
384-56-1597	09/30/52	M	W	6'2	165	2	3	Med	3	3	NONE

9. a. Driver License No.: NR 744578 b. Date Arrested: , , NA Time: AM/PM c. Location of Arrest: NA d. Offense Section: NA e. A/C: A 1 B 1 C 1 O 0 f. Where Held: NA

10. a. Place of Birth: MT Clemens MI b. Alias: NA c. Injuries: 8 d. Address where treatment given: NA e. I.S.P. Ticket No.: NA f. CIB Case No.: NA

11. a. Ct. App. Date: NA b. Date Miranda Given: , , NA Time: AM/PM c. Officer Name: NA I.D. No. d. Fingerprinted by: NA e. Date: NA f. Sent: NA g. Occupation: Guard h. FBI No.: NA i. ISP No.: NA

12. a. Weapon: 0 b. 1. Alcohol Involved 2. Drugs Involved c. Case Status: 2 d. Place: 238 e. Method: 292 f. Property Code: 834 g. Recovery Code: NA h. Property — Value: STOLEN RECOVERED DAMAGED i. LEADS Message No.: NA

VEHICLE OR BOAT INFORMATION

13. a. Color	b. Year	c. Mfg. Trade Name	d. Body/Boat Style	e. Year/State	f. License No.	g. VIN/HIN
WHITE	1981	FORD	PASS. VAN	1984 OH.	RHE-726	2FBHE2165BBA12615

h. Owner: Nuckols A & Securities

i. Address: 3307 Clifton Ave. Cincinnati. OHio

j. Telephone:

k. Est. Damage: $1000.00

14. Signature of Investigating Officer: Jeffrey A. Marlow #3004

a. Date: 08/05/84

b. Routed to: MASSAC Co. Sheriffs Off.

Quality Check: Initials I.D. No. 711

Page 1 of 1 Pages

DLE 5-40 (5-83)

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97

NARRATIVE OR ROAD BLOCK LOG

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE		COLOR OF VEHICLE	YEAR	MAKE	LICENSE	STATE

On the date of 08-05-84 at around 2:00 AM this reporting trooper met with a Thomas E. Moore WM DOB 04-04-55 and a Harold E. Lutz WM DOB 04-30-52. Both are security guards for Crosstown Security, Chicago Ill. Both are employed at the Missouri Portland Cement Co. Rural Joppa. Mr. Moore told this reporting trooper that while he was driving a 1980 Ford Van with Mr. Lutz as a passenger on 4.00 E in front of the Joppa Grade School, A burgundy and white pickup, traveling in the opposite direction passed him. Unknown subjects in the back of the pickup threw chunks of wood at the windshield of the VAN. Damage occurred to the hood, windshield, and top of the VAN. Mr. Moore and Lutz recieved slight lacerations from the broken glass. Neither Lutz or Moore could give better description of the truck or the passengers. This trooper went to the scene of this alleged incident. I checked the roadway and ditches, but located no evidence relative to this alleged incident. This trooper did observe did observe two small chuncks of wood and bark on the hood section of the damaged VAN.

TPR Jeffrey R. Martin #3084

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McINTYRE #13

ILLINOIS DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
84P2062	September 6, 1984	S/A Ed Thrailkill #2482		
Subject: MISSOURI PORTLAND CEMENT COMPANY		Case Agent: Thrailkill	Office: Zone 13	Typed By: ac 9/7/84 Date:

On Thursday, September 6, 1984, the reporting agent interviewed, by telephone, MR. JAMES S. RAY, W/M, DOB: 1/15/49, 210 West 3rd Street, Metropolis, Illinois.

MR. RAY requested the reporting agent's return call, in reference to an incident he believes to be directly related to the strike at the MISSOURI PORTLAND CEMENT COMPANY, Joppa, Illinois. RAY advised that he is employed by BRUENING BEARINGS, INC., with his office located at 4039 Clarkes River Road, Paducah, Kentucky. RAY stated his company supplies the MISSOURI PORTLAND CEMENT PLANT.

On August 5, 1984, JAMES RAY delivered an order of bearings to the MISSOURI PORTLAND CEMENT PLANT, and did cross the picket line at this time.

At some unknown point in time, except that it occurred in the evening of August 6, 1984, all of the windows on RAY'S company car were broken out. RAY indicated the person or persons unknown used half bricks to break the glass.

JAMES RAY stated he was in his house during the time the incident occurred, but heard nothing. A check of his neighbors revealed no one heard or saw anyone around RAYS vehicle.

JAMES RAY indicated he immediately called the Metropolis, Illinois City Police, and made a report. It was not until this date, that he discovered the Illinois Division of Criminal Investigation office had not been notified and just wanted to make sure we had been advised.

Dissemination:

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DLE4-3 (9/77)

McINTYRE
#14

ILLINOIS DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agency & Name:	Lead No:
84P2062	June 30, 1984	S/A Gary Ashman #944	

Subject:	Case Agent:	Office:	Typed By:	Date:
MISSOURI PORTLAND CEMENT PLANT	Ashman	Zone 13	ac	7/6/84

On June 30, 1984, at 3:40 P.M., the reporting agent took in custody one (1) Case Knife from MR. B. DUNCAN.

The knife was thrown by an unknown individual through a window of a bus transporting employees of the PORTLAND CEMENT PLANT.

The knife was turned over to the Bureau of Scientific Services to be processed for latent finger prints.

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DLE4-3 (8/77)

84-2062

DEPARTMENT OF LAW ENFORCEMENT
DIVISION OF SUPPORT SERVICES
SAM W. NOLEN - DEPUTY DIRECTOR

Bureau of Scientific Services
DeSoto Laboratory
P. O. Box 437
DeSoto, Illinois 62924
Telephone: (618) 867-2318

July 6, 1984

Division of Criminal Investigation
2209 West Main Street
Marion, Illinois 62959
ATTENTION: S/A Gary Ashman

RE: Agency #84-Z-0061
Lab #D84-0661

SUSPECT: Unknown
VICTIM: Portland Cement
OFFENSE: Criminal Damage to Property

EVIDENCE SUBMITTED:

On July 2, 1984, the following evidence was received from S/A Gary Ashman at the Carbondale Laboratory:

EXHIBIT	ITEM SUBMITTED
#1	One (1) knife

Examination of Exhibit #1 revealed one (1) latent print which is suitable for comparison purposes.

Exhibit #1 will be held at the Carbondale Laboratory pending submission of inked fingerprints for comparison.

RESPECTFULLY SUBMITTED,

James B. Wentworth

James B. Wentworth, Jr.
Forensic Scientist III

JBW:lrb

OFFENDER INFORMATION

File No.	Name: Last, First, MI.	Ethnic Origin	Sex	Date of Birth	Country	OCA/C-DIST:
84P2062	UNSUB				Massa.	

DRUG OFFENSES

HEROIN (HE)
1 FINANCIER/2 LB. DEALER
2 INTERSTATE IMPORTER/1 LB.
3 4 OZ. DEALER
4 1 OZ. DEALER
5 INTRASTATE IMPORTER/8 GRAMS
6 SPOON DEALER (1 GRAM)
7 DEALER

COCAINE (CN)
1 FINANCIER/2 LB. DEALER
2 INTERSTATE IMPORTER/1 LB.
3 4 OZ. DEALER
4 1 OZ. DEALER
5 INTRASTATE IMPORTER/8 GRAMS
6 SPOON DEALER (1 GRAM)
7 DEALER

DEPRESSANTS (DE)
1 FINANCIER/100,000 UNITS
20 LBS./$75,000
2 INTERSTATE IMPORTER/LAB OPERATOR
15,000 UNITS/5 LBS./$5,000
3 3,000 UNITS/1 LB./$1,000
4 INTRASTATE IMPORTER
1,000 UNITS/8 OZS./$500
5 200 UNITS/1 OZ./$100
6 DEALER

STIMULANTS (ST)
1 FINANCIER/100,000 UNITS
25 LBS./$25,000
2 INTERSTATE IMPORTER
LAB OPERATOR/100,000 UNITS
10 LBS./$10,000
3 30,000 UNITS/5 LBS./$5,000
4 10,000 UNITS/1 LB./$1,000
5 INTRASTATE IMPORTER
5,000 UNITS/8 OZS./$500
6 1,000 UNITS/4 OZS./$200 DEALER
7 DEALER

HALLUCINOGENS (HA)
1 FINANCIER/50,000 UNITS
50 LBS./$50,000
2 INTERSTATE IMPORTER
LAB OPERATOR/25,000 UNITS
3 5,000 UNITS/5 LBS./$5,000
4 1,000 UNITS/1 LB./$1,000
5 INTRASTATE IMPORTER/500 UNITS
8 OZS./$500
6 100 UNITS/4 OZS./$100
7 DEALER

OTHER OPIATES (OP)
1 FINANCIER/$50,000 DEALER
2 INTERSTATE IMPORTER
LAB OPERATOR/$20,000
3 $5,000
4 $1,000
5 INTRASTATE IMPORTER/$500
6 $100
7 DEALER

DRUG DIVERSION (DD)
1 MANUFACTURER/WHOLESALER
2 DOCTOR
3 PHARMACIST
5 OTHER REGISTRANTS
6 NON REGISTRANTS
7 PRES. VIOLATORS - FORGERY
8 PRES. VIOLATORS - FRAUD/DECEPTION

CANNABIS (CB)
1 FINANCIER
4 INTERSTATE IMPORTER
OR LAB OPERATOR
5 50 LBS. DEALER
6 10 LBS. DEALER
7 INTRASTATE IMPORTER
8 1 LB. DEALER

VICE/ORGANIZED CRIME

BOOKMAKING (BK)
1 FINANCIER
2 LAYOFF/TABULATING
3 WIREROOM OPERATOR
SYNDICATED - $10,000/WEEK
4 HANDBOOK OPERATOR
SYNDICATED - $10,000/WEEK
5 WIREROOM OPERATOR
6 HANDBOOK OPERATOR
7 PATRON

GAMBLING MACHINES (GM)
2 MANUFACTURER
3 DISTRIBUTOR
4 LOCAL DISTRIBUTOR
5 SERVICEMAN
7 LOCATION OPERATOR

OTHER GAMBLING (GG)
3 FINANCIER
4 GAMBLING STAMP
POSSESSOR
5 KEEPER OF PLACE
6 CARD GAME OPERATOR
7 DICE GAME OPERATOR
8 OTHER OPERATOR

AIR GAMES (AG)
2 MANUFACTURER/
HANDICAPPER
3 DISTRIBUTOR
5 LOCAL DISTRIBUTOR
6 RUNNER
7 LOCATION OPERATOR

JUICE LOAN
1 FINANCIER
2 SUPERVISOR
3 LENDER
4 ENFORCER
5 COLLECTOR
6 CONTACT/STEERER
7 BORROWER (PHYSICAL VIOLENCE
8 BORROWER

POLICY/LOTTERY (PL)
1 FINANCIER
2 OPERATOR
3 HEADQUARTER EMPLOYEE
4 STREET SUPERVISOR
5 RUNNER
6 DROP OPERATOR
7 WRITER
8 PLAYER

PROSTITUTION/SEX (PS)
3 FINANCIER
4 PORNOGRAPHER/MANUFACTURER
5 SUPPLIER/DISTRIBUTOR
PANDERER
6 OPERATOR OR KEEPER
8 PROSTITUTION

BUSINESS FRONTS (BF)
2 FINANCIER $250,000
ANNUAL INCOME
3 FINANCIER UNDER $250,000
ANNUAL INCOME
6 OPERATOR
7 EMPLOYEE

EXTORTION (EX)
2 PHYSICAL VIOLENCE
3 PROTECTION INTIMIDATION
4 BLACKMAIL

ORGANIZED CRIME STRUCTURE (OC)
1 BOSS/UNDERBOSS
2 ADVISOR
3 LIEUTENANT
4 ENFORCER/MONEY
MOVER
5 MEMBER
6 INFLUENTIAL ASSOCIATE
7 MINOR ASSOCIATE

LABOR RACKETEERING (LR)
1 EMPLOYER SHAKEDOWNS
2 MANIPULATION OF
UNION FUNDS
3 SWEETHEART CONTRACTS

STRUCTURED CRIMINAL ACTIVITY (SA)
2 AREA OVERSEER
3 SPECIALIST OVER $5,000.00
5 UNDER $5,000.00
7 ASSOCIATE

GENERAL CRIMINAL - REGULATORY

ARSON (AR)
1 FINANCIER
3 BOMBER
4 TORCH

ROBBERY (RO)
1 HOME INVASION
2 REGULAR CREW MEMBER/$5
$50,000
3 $25,000.00
4 $10,000.00 - $25,000.00
5 $5,000.00 - $10,000.00
6 UNDER $5,000.00

BURGLARY (BU)
2 REGULAR CREW
MEMBER/$50,000
3 $25,000.00
4 $10,000.00 - $25,000.00
5 $5,000.00 - $10,000.00
6 UNDER $5,000.00

CARTAGE (THEFT FROM TRANSIT (CT))
2 REGULAR CREW MEMBER
5 OCCASIONAL OPERATOR

FENCING (FE)
1 FINANCIER
2 RECEIVER $50,000.00 & ABOVE
3 RECEIVER $25,000.00
4 RECEIVER $10,000.00
5 RECEIVER UNDER $10,000.00
6 OCCASIONAL RECEIVER
7 ASSOCIATE

FINANCIAL CRIME (FC)
1 FINANCIAL CRIME
SPECIALISTS/$50,000
2 THEFT FROM STATE $10,000
3 THEFT FROM STATE UNDER
$10,000
4 THEFT OVER $10,000
5 THEFT OVER $100/FORGERY
6 DECEPTIVE PRACTICE
(BOGUS CHECKS
7 THEFT UNDER $100

AUTO THEFT (AT)
1 SALVAGE YARD OPERATOR
2 CHOP SHOP
3 PARTICIPANT-$25,000 +/WEEK
4 PARTICIPANT $10,000 +/WEEK
5 PARTICIPANT UNDER $10,000/
WEEK
7 AMATEUR THEF NOT COMMERCIAL

OTHER THEFT/PROP (OT)
2 THEFT FROM STATE $10,000+
3 THEFT FROM STATE $10,000-
4 OTHER $10,000+
5 OTHER $5,000-$10,000
6 $100 to $5,000
7 UNDER $100

MURDER (MU)
1 CONTRACT KILLING
2 OTHER

OTHER VIOLENT CRIME (OV)
1 TERRORISM
2 RAPE
3 KIDNAPPING
6 BATTERY
7 ASSAULT

MISC. VIOLATIONS (MV)
OTHER CRIMINAL OFFENSE
8 TRAFFIC OFFENSE

OFFICIAL MISCONDUCT (OM)
1 PUBLIC OFFICE FEDERAL/STATE
2 PUBLIC OFFICE COUNTY/LOCAL
3 POLICE OFFICER
4 GOVERNMENT EMPLOYEE
5 NONGOVERNMENTAL

LIQUOR LAWS (LI)
4 SUBTERFUGE OWNER
6 LICENSEE
8 EMPLOYEE

RACETRACK VIOLATIONS (RT)
2 RACE FIXING
3 HORSE DRUGGING
4 SUBTERFUGE OWNERSHIP
5 LICENSE FALSIFICATION
6 RACING RULE VIOLATIONS

THREAT FILE (TF)
2 HAS HARMED POLICE OFFICER
3 HAS HARMED PUBLIC OFFICIAL
6 THREAT AGAINST POLICE OFFICER
7 THREAT AGAINST PUBLIC OFFICIAL
8 REGISTER AGENCY

Primary Category: MV-7

INVESTIGATIVE ACTIVITY
Pre-Arrest / Post-Arrest
[ ] Interv. Action Req. [X] Interv. Action Req.
[ ] Interv. Action Not Req. [ ] Interv. Action Not Req.

REASON FOR SUBMISSION
[ ] Up-Date [ ] Correction (explain)
[X] Original [ ] Arrest (Enter No.)

Case Agent: Joe E. Thrailkill
Supervisor: Robert N. Erwin
ID No. 2482
Date 7-13-84

FOR ADMINISTRATIVE USE ONLY - DO NOT DISSEMINATE

ISLE 42 (1149) DEPARTMENT O[illegible]W ENFORCEMENT EVIDE[illegible]E/EXPENDITURE REPORT

Division No.	Crime Code (This Offense)	Date of Action	Day	Time of Action
84P2062	3100	6/30/84	Sat.	3:40 P

Subject: SSOURI PORTLAND CEMENT PLANT

Race - Sex - DOB (If not Previously Reported): Unknown

County of Incident	Address	City	Vehicle Used in Offense (Make, Year, License, Stat
Massac	R.R.	Metropolis	None

Funds Were: Disbursed by This Agent: Yes ____ No X | Provided By This Agent To: ____ (CS NUMBER OR DEFENDANT'S NAME)

REPORT CODE	EXHIB. NO.	UNITS/ QUAN.	SPECIFY AND DESCRIBE ITEM*	DRUG WT. IN GMS.	LEGAL VALUE	COST/ ILLEGAL VALUE	FUNDS** DIV		Other	STORAGE CODE
05	1	1	Case Knife		20.00					26

REPORT CODES

DRUGS
- Purchase ..... DP***
- Seizure ..... DS
- OAF Recovery ..... DR
- Split Transaction ..... DX
- Buy Arrest ..... DB

GAMBLING
- Bet ..... GB
- Winnings ..... GW
- Seizure ..... GS
- OAF Recovery ..... GR

INFORMATION/SERVICES
- Purchase ..... IP

OTHER
- Purchase ..... OP
- Seizure ..... OS
- OAF Recovery ..... OR
- Buy Arrest ..... OB
- Property Found ..... OF
- Split Transaction ..... OX
- Not Seized (Photos, Tapes, Etc.) ..... ON
- Expense Payment ..... EP
- Stolen Prop. Recovery ST
- Pharm. Collection ..... PC

STORAGE CODES

1. Headquarters
2. Zone 1
3. Zone 2
4. Zone 3
5. Zone 4
6. Zone 5
7. Zone 6
8. Zone 7
9. Zone 8
10. Zone 9
11. Zone 10
12. Zone 11
13. Zone 12
14. Zone 13
15. Zone 14
16. Zone 15
17. Zone 16
18. [illegible]
19. [illegible]
20. Maywood Lab.
21. Rkford Lab.
22. Rk Island Lab.
23. Pekin Lab.
24. Joliet Lab.
25. Fairview Hts. Lab.
26. DeSoto Lab.
27. Champaign Lab.
28. Sprfld. Lab.
29. Chgo. P.D. Lab.
30. U.S. Chemist Lab.
31. FBI Lab
32. Other (specify)

*Specify whether Bookmaking, Policy, Cartage, Slots, Pinball, Firearms, Juice, Stolen Goods, Heroin, Cocaine, Cannabis, Etc.
**Show specific grant or other agency funds.
***Use name of purported substance.

CASE AGENT	I.D.#	ZONE #	REPORTING AGENT	I.D.#	ZONE #
S/A Gary Ashman	944	13	S/A Gary Ashman	944	13

Robert N. Grimm 2495 (APPROVED) 7-19-84 (DATE)

ADMINISTRATIVE USE ONLY – DO NOT DISSEMINATE

SET OF 5 SHEETS: WHITE – CASE FILE GREEN – FISCAL CANARY – CASE AGENT PINK – MIB GOLDENROD – CS

McINTYRE #15

ILLINOIS DEPARTMENT OF LAW ENFORCEMENT — FILE INITIATION REPORT

Division File:	Class Code/Sub Class:	Character(s) of Case:
84P2062	6003/3100	MOB ACTION

Date:	Day:	Time:	Address:
7/11/84	Wed	12:25AM	North Avenue

City:	County (or State if not Illinois):	Office:
Joppa	Massac	Zone 13

Predication: | Predicative Objective: C

1. [X] Request for Assistance
Illinois State Police (Requesting Agency)
Sgt. Dunning (Requesting Officer)

2. [ ] Initiated by Division

3. [ ] Complaint by Public
Complainant: (Name, address, telephone)

MV-7

Title: (Use only one Format)
Name
AKA
Race/Sex/DOB
City, State
—OR—
UNSUB
Victim PORTLAND CEMENT COMPANY
Race/Sex/DOB
City, State Joppa, Ill
Date of Offense 7/11/84

Facts of Initiation or Complaint: (Briefly describe or refer to supporting documentation attached)(Add additional names to be indexed) (For property crimes, estimate value of loss.)

A Commercial Transport Incorporated truck, was stopped by individuals unknown, the driver was told to leave the area, which he did. The truck was then damaged, tires and air hoses cut.

This particular action would apparently be connected to the current labor strike at the PORTLAND CEMENT COMPANY.

INDICIES:
Negative ☑
Positive ☐

S/A Edwin Thrailkill (Agent) 2482 (ID No.)

1. [X] Investigation to Continue, assign to S/A Edwin Thrailkill (Agent) 2482 (I.D. No.) Zone 13 (Office)
2. Closed, file with no further action.
[ ] Complaint Unfounded
[ ] Complaint Refused to Cooperate
[ ] Referred to Other Agency (Agency)
Exceptionally Cleared
[ ] Administrative Closing

RECEIVED 7/12/84 2:47 PM

Supervisor: Richard N. Tamm 2490 Date: 7/12/84

DLE 4-1 (11-81) ADMINISTRATIVE USE ONLY — DO NOT DISSEMINATE
SET OF 4 SHEETS: WHITE — CASE FILE CANARY — CASE AGENT PINK — MIB

ILLINOIS DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
84P2062	July 31, 1984	S/A Ed Thrailkill #2482		
Subject: PORTLAND CEMENT COMPANY		Case Agent: Thrailkill	Office: Zone 13	Typed By: ac 7/31/84 Date:

The attached affidavit (statement) was made by GERALD D. VANZANT, on behalf of the Massac County States Attorney's Office.

The statement encompasses the events, as VANZANT observed them, concerning the vandalism of the COMMERCIAL TRANSPORT truck in the morning of Wednesday, July 11, 1984.

Also attached is a photostatic copy of the Illinois State Police field report in reference to this incident.

Dissemination:

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement. It and its contents are not to be disseminated outside your agency.

DLE4-3 (9/77)

84P2062

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF MASSAC

Gerald D. Vanzant, being first duly sworn on oath, states as follows:

I presently live at Joppa, Illinois, Box 302, my place of residence being a trailer on the east side of the road across from the old Joppa Grade School. I am married, my wife's name being Joann Vanzant and I have two children, Richard, age 6 and Crystal, age 4. I am in the process of moving from Joppa, Illinois, to Albany, Georgia, where I am going to work for the Dixie Air Conditioning and Heating Company. I must be in Albany, Georgia, before July 16, 1984. I do not know what my address in Georgia will be, but I can be reached through my father, Fulton Vanzant at 1102 Gillespie Avenue, Albany, Georgia 31707.

The road in front of my house runs north and south, is a two-lane blacktop road and leads to Commercial Transport terminal just outside of Joppa, Illinois, and eventually on to EEI and Missouri Portland Cement Company.

On the evening of July 10-11, 1984, I had gone to bed; my wife had some loads of clothes washing in the bathroom, but was in the living room and my children were in sleeping bags in the living room, as it is airconditioned.

Suddenly around 12:45 A.M., a loud gunshot awakened me. It was so loud that it must have been made by a Magnum pistol or rifle. I jumped up and hurried to the living room where I asked my wife

what was going on. We ·/e a large picture window front of our trailer facing the road and when I looked out I saw a Commercial Transport truck slowly northbound on the road in front of my house trying to get around ɔ pick-up truck immediately in front of it. The driver of the Commercial Transport truck was blowing his air horns repeatedly. When the truck was about 50 feet south of my trailer, which sits about 50 or 60 feet set back from the road, the pick-up truck stopped in the middle of the road forcing the driver of the Commercial Transport truck to stop. The 3 men in and on the pick-up truck jumped off , ran back and jumped up on the side of the truck and first cut the air lines and then forced the driver to pull the truck off of the road on the east side.

There is a street light directly across the street from my trailer and also on this particular evening there was a full moon. It was light enough outside that I could see what was going on. I immediately called the Sheriff's Office (524-2912) and notified the dispatcher what was going on - that 3 men appeared to be tearing up a Commercial Transport truck. I then called Delbert Sullivan, the terminal manager at Commercial Transport Company and informed him what was going on. I then called Bobby Lee, a day mechanic for Commercial Transport, who lives just down the road from me and he came right up. As I was making these phone calls, the three men were cutting all the lines behind the cap of the truck and slashing the tires. When I got outside my trailer, they had pretty well finished all the damage and were getting ready to leave.

The truck driver, who I later found to be Morris Smith, had already jumped out of the truck and ran off by the time I got outside. I walked toward the Commercial Transport truck and when I got about

ten (10) feet from it, asked the three men what was going on and then a young blond neaded man who had a bandage on his left arm, of medium height and well built, asked me what my business was and I told him I lived there in the trailer. He again told me it was none of my business and had nothing to do with me - that it was union business. As I started walking toward the pick-up truck (I was going to get the license number for Delbert Sullivan), the blond headed fellow came up to me again and told me to stay away from his truck, that I did not have any business around it. About that time, one of the three men whom I know to be Kenny Kerr, turned around to this blond headed man and told him to leave me alone, that I had nothing to do with it, that I was not connected with Commercial Transport. I knew Kenny Kerr before this and that is one of the reasons that I went outside. Kenny Kerr runs a grocery store in Joppa, Illinois, that used to belong to Jack Taylor and also works at Missouri Portland Cement Company.

As the three men got back in the pick-up truck in front of the Commercial Transport truck, Kenny Kerr turned toward the transport truck and threw a beer can into the windshield; however, it did not break the windshield. As the truck was pulling off and I was heading back to my trailer, the truck stopped and Kenny Kerr yelled at me to "come here" and I said "what for?" and he repeated for me to come to the truck - that they were not going to shoot me. I walked up to the truck and Kenny Kerr told me that I had seen nothing, heard nothing and could identify nobody. He again said that this was none of my business, that it was strictly union business. As the truck was once more pulling away, one of the other two men in the truck yelled out and said something to the effect that if

I gave any names or got them into trouble that I would live to regret it. They then left. All three of the men were obviously drinking.

When I first saw them stopped, there was a young woman in the back of the truck. I believe it was Kenny Kerr's step-daughter. However, I do not know what happened to her while they were doing all the damage to the truck.

The State Police got there in 3 or 4 minutes and the Sheriff came in about the same time. The State Police recovered the beer can and told me they would attempt to get finger prints from it. I also gave them a statement identifying Kenny Kerr and telling them what I knew about the other two men and the young woman.

The head lights on both trucks were on when I first looked out the picture window, but the drivers of both trucks turned them off shortly thereafter. The pick-up truck was a late model four-wheel drive Ford Pick-Up of a darker color.

DATED this the 11th day of July, 1984.

Gerald D. Vanzant

GERALD D. VANZANT

Subscribed and sworn to before me, a Notary Public, on this the 11th day of July, 1984.

Patty L. Lowenhaupt

(NOTARY PUBLIC)

The CHAIRMAN. Were any of these cases ever prosecuted, to your knowledge?

Mr. LANG. No, sir; they were not.

The CHAIRMAN. Wasn't Mr. Blanchard prosecuted, the one that I think is mentioned in this letter to Mr. Simon?

Mr. MCINTYRE. Yes, he was.

Mr. LANG. Mr. Blanchard, that one situation——

The CHAIRMAN. He is the one who threw the log through the windshield, is that correct?

Mr. LANG. He took a picket sign and smashed a windshield. There was a State policeman just a few steps away at the time, sitting in his car. After smashing the windshield, Mr. Blanchard walked over to the State policeman's car and gave himself up.

The CHAIRMAN. In this union explanatory letter by Mr. Beck—I just had to read it hurriedly this morning—if I have it right, he mentions only three instances that he knows about, I believe. I have read this hurriedly, so I don't want to misstate it. They, of course, will have the opportunity of testifying if they want to.

He said, "In the first case a car ran against a stationary picket, breaking his picket sign." Then he said, "The picket reacted by hitting the windshield of the car with what was left of his picket sign. Having done that, he walked over and got in the back of a police car just a few feet away so he could be driven to the station and booked. He later called the driver of the car, apologized, and offered to pay for the broken window."

That is not the incident you are talking about?

Mr. MCINTYRE. Yes, it is the incident, and Mr. Beck's statement is absurd.

The CHAIRMAN. He then describes another incident. He says, "The second and to our mind the only real serious incident caused by any member was a case of a member found guilty of throwing a piece of wood at the front corner of a truck as it drove by. The member has and continues to deny that he did it, but the judge found him guilty. He was ordered to pay some $1,200 and sentenced to 45 days in jail. Very frankly, that is a stiffer sentence than many well-known criminals of various types have received in Federal courts across the land."

Was that the Blanchard incident?

Mr. LANG. No, sir. The first one that was described was the Blanchard one.

The CHAIRMAN. The first one was Blanchard. Then are you aware of the second one?

Mr. LANG. The second one was not a criminal prosecution. The second one was an order brought when that gentleman was brought on under a contempt citation for violation of the injunction. That was not a criminal prosecution.

The CHAIRMAN. I see.

Now, Mr. McIntyre, you mentioned that on July 10, 1984, four individuals did $1,500 worth of damage to a contractor truck, and a local citizen—I believe his name was Gerald Vanzant—was an eyewitness, and he recognized employee striking Kenny Kerr.

Now, was Mr. Vanzant affiliated with your company in anyway?

Mr. MCINTYRE. No, sir.

The CHAIRMAN. He was not?

Mr. McINTYRE. No.

The CHAIRMAN. Well, what happened to that case?

Mr. McINTYRE. Mr. Vanzant filed an affidavit which was turned over to the State's attorney, and no action was taken on that case, to our knowledge.

The CHAIRMAN. We will enter at this time in the record as McIntyre exhibit No. 16 the police report and the Vanzant affidavit which described that particular matter.

[McIntyre exhibit No. 16 follows:]

JUL 0 6 1984

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 1-3
2. How I.S.P. Initially Notified: [ ] 1. On View [ ] 2. Telephone [X] 3. In Person [ ] 4. U.S. Mail [ ] 5. Other Agency [ ] 6. CB Radio
3. Initial Notification: Date 07/03/84 Time 8:35 [X] AM [ ] PM
4. Incident Occurrence: Date 07/03/84 Time 7:25 [X] AM [ ] PM
5. Number: F-13-84-16

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Person, Investigation 4. Per. History Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Encounters 8. Immigration Treatment Act

6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle 2. 2 Man Patrol Vehicle 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White B- Black I- Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Grey 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Grey or Part. Grey 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10c. INJURIES: 1. Killed 2. Fractures 3. Stab Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bombs 9. Vehicle 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Comp) 1. Referred to Responsible Jurisdiction 2. Pending Investigation
CLEARED BY ARREST: 3. Adult 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute 6. Failed to File Complaint or Prosecute 7. Other Exceptional Clearances-Adults 8. Other Exceptional Clearances-Juv. 9. Case Administratively Closed

6. Brief Description: TRUCK DAMAGE BY STRIKING WORKERS
e. Location: COUNTY ROAD 1000N AT PORTLAND CEMENT PLANT, MASSAC
City / County/Township

b. Investigating Officer (Print or Type - Last, First, Middle) I.D. No. Dist. No.: YOUNG, ROGER A. 474 13
c. Response/Vehicle: 1
d. Assisting Officer (Last, First, Middle) I.D. No. Dist. No.
e. Response/V

7. C
a. Name (Last, First, Middle): JOHNSON, WILLIAM R.
b. Home Address: RR 2, BROWNSTOWN ILL
c. Telephone: N.A.
d. Business Name and Address: N.A.

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
411-70-5781	05/13/44	M	W	5.11	180	2	4	Med	2	1	NONE

8. a. Driver License No.: J525-9364-4137
b. Date Arrested / Time [ ] AM [ ] PM: N.A.
c. Location of Arrest: N.A.
d. Offense Section: CHAS SEC 25-1
e. [A] [C] [B] [O]
f. Where Held: N.A.

9. a. Place of Birth: N.A.
b. Alias: N.A.
c. Injuries: 8
d. Address where treatment given: NONE
e. I.S.P. Ticket No.: N.A.
f. CIB Case: N.A.

11. a. Ct. App. Date: N.A.
b. Date Miranda Given / Time [ ] AM [ ] PM: N.A.
c. Officer Name / I.D. No.: N.A.
d. Fingerprinted by: N.A.
e. Date: N.A.
f. Bond: N.A.
g. Occupation: TR DRIVER
h. FBI No.: N.A.
i. ISB N: N.A.

12. a. Weapon: N.A.
b. [1] [2] Alcohol Involved / Drug Involved: N.A.
c. Case Status: 2
d. Place: 311
e. Method: N.A.
f. Property Code: N A
g. Recovery Code: N A
h. Property – Value: 25.00 — STOLEN | RECOVERED | DAMAGED
i. LEADS Message No.: N.A.

7. a. Name (Last, First, Middle)
b. Home Address
c. Telephone
d. Business Name and Address

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
	/ /										

8. a. Driver License No.
b. Date Arrested / Time [ ] AM [ ] PM
c. Location of Arrest
d. Offense Section
e. [A] [C] [B] [O]
f. Where Held

9. a. Place of Birth
b. Alias
c. Injuries
d. Address where treatment given
e. I.S.P. Ticket No.
f. CIB Case

11. a. Ct. App. Date / /
b. Date Miranda Given / / Time [ ] AM [ ] PM
c. Officer Name / I.D. No.
d. Fingerprinted by
e. Date / /
f. Bond
g. Occupation
h. FBI No.
i. ISB N

12. a. Weapon
b. [1] [2] Alcohol Involved / Drug Involved
c. Case Status
d. Place
e. Method
f. Property Code
g. Recovery Code
h. Property – Value — STOLEN | RECOVERED | DAMAGED
i. LEADS Message

VEHICLE OR BOAT INFORMATION

12. a. Color: Red
b. Year: 72
c. Mfg. Trade Name: HENDRICKSON
d. Body/Hull Style: TRUCK TRACTOR
e. Year/State: 84 ILL
f. License No.: 65628
g. VIN/HIN: 72-10300
h. Owner: COMMERCIAL TRANSPORT INC.
i. Address: BELLEVILLE, ILL.
j. Telephone: 543-7558
k. Est. Damage: 25 00

14. Signature of Investigating Officer: Roger A Young
a. Date: 07/03/84
b. Case: OCE 213
Disability Affects: Initials
I.D. No.: 1384
Page 1 of –

ISP 6-48 (7-84)

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McINTYRE #16 (3315 N 151 - 5311) 5748062 C55 7/6

112

NARRATIVE OR ROAD BLOCK LOG

	COLOR OF VEHICLE	YEAR	MAKE	LICENSE	STATE	TIME	COLOR OF VEHICLE	YEAR	MAK	LICENSE NO.

ON 07.03.74 AT 8:55 AM I WAS advised by The Massac Co. Sheriff's offic
That A Truck, owned by Commercial Transport Inc., had been damaged by
Strikers at The Portland Cement Co. Plant.

I went To The Local office of The Trucking Co. at Joppa where
The driver of The damaged Truck, A MR. William R. Johnson, Told me The
window on The drivers side had been broken by A Rock or brick Throw
by Striking workers at The Plant Site. The driver was unable To id
The Person who Threw The Rock. He also advised me he Received a
Few Minor Scratches on his left arm from The broken Glass.

113

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The CHAIRMAN. Mr. McIntyre, in your testimony you cited numerous other incidents of assault and sabotage against company personnel and property. Would you identify these incidents and place the accompanying police reports into the hearing record if you have them? Or rather, I have them here, apparently. Staff has handed them to me, so we will, without objection, place McIntyre exhibits No. 17 through 26 in the record, which cover this.

[McIntyre exhibits Nos. 17 through 26 follow:]

JUL 0 1984

ILLINOIS STATE POLICE FIELD REPORT

#17

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
1-3	1. On View 2. Telephone 3. In Person 4. U.S. Mail 5. Other Agency 6. CB Radio	Date 7.5.84 Time 745 AM/PM	Date 7.5.84 Time 600 AM/PM	F-12-84-7

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Prelim. Investigation 4. Per. Hosp. Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Encounters 8. Intoxication Treatment Act

6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White N- Negro I- Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Grey 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Grey or Part. Grey 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10c. INJURIES: 1. Killed 2. Fractures 3. Stab Wounds 4. Gunshot Wounds 5. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bottle 9. Vehicle 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Complain 1. Referred to Responsible Jurisdiction 2. Pending Investigation **CLEARED BY ARREST** 3. Adult 4. Juvenile **EXCEPTIONAL CLEARANCES** 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearances-Adult 8. Other Exceptional Clearances-Juv. 9. Case Administratively Closed

4. Brief Description (TRUCK FIRE) CRIMINAL DAMAGE TO PROPERTY

a. Location MAIN GATE MISSOURI PORTLAND City JOPPA County/Township MASSAC Co.

a. Investigating Officer (Print or Type - Last, First, Middle)	I.D. No.	Dist. No.	c. Response Vehicle	d. Assisting Officer (Last, First, Middle)	I.D. No.	Dist. No.	e. Respon.
MORSCH CHARLES C.	1276	13	1	GOSS D.L.	1172	13	1

7.

a. Name (Last, First, Middle)	b. Home Address	c. Telephone	d. Business Name and Address
FRENCH, THOMAS	317 W. 6TH METROPOLIS IL.	UNKNOWN	COMMERCIAL TRANSPORT RR1 METROPOLIS IL. 62960

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
UNKNOWN	7.29.44	M	W	5'4	150	4	3	MED	2	1	N.A.

a. Driver License No.	b. Date Arrested Time	c. Location of Arrest	d. Offense Section	e. A B C D	f. Where Held
F652-8394-4210	N.A.	N.A.	Chap 38 21-1	X	N.A.

a. Place of Birth	b. Alias	c. Injuries	d. Address where treatment given	e. I.S.P. Ticket No.	f. CIB Case
UNKNOWN	NONE	NONE	N.A.	NONE	N.A.

a. Ct. App. Date	b. Date Miranda Given Time	c. Officer Name I.D. No.	d. Fingerprinted by	e. Date	f. Bond	g. Occupation	h. FBI No.	i. ISB No.
N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	TRUCK DRIVER	N.A.	N.A.

a. Weapon	b. 1. Alcohol Involved 2. Drug Involved	c. Case Status	d. Place	e. Method	f. Property Code	g. Recovery Code	h. Property – Value STOLEN	RECOVERED	DAMAGED	i. LEADS Message No.
N.A.	UNKNOWN	2	238	N.A.	N.A.	N.A.	N/A			N.A.

7.

a. Name (Last, First, Middle)	b. Home Address	c. Telephone	d. Business Name and Address

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
	/ /										

a. Driver License No.	b. Date Arrested Time	c. Location of Arrest	d. Offense Section	e. A B C D	f. Where Held
	/ /				

a. Place of Birth	b. Alias	c. Injuries	d. Address where treatment given	e. I.S.P. Ticket No.	f. CIB Case

a. Ct. App. Date	b. Date Miranda Given Time	c. Officer Name I.D. No.	d. Fingerprinted by	e. Date	f. Bond	g. Occupation	h. FBI No.	i. ISB No.
/ /	/ /			/ /				

a. Weapon	b. 1. Alcohol Involved 2. Drug Involved	c. Case Status	d. Place	e. Method	f. Property Code	g. Recovery Code	h. Property – Value STOLEN	RECOVERED	DAMAGED	i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13. a. Color	b. Year	c. Mfg. Trade Name	d. Body Style	e. Year/State	f. License No.	g. Vessel
RED	1978	FREIGHTLINER	SEMI TRAC.	84 ILL.	POWER 44816	148130

h. Owner	i. Address	j. Telephone	k. Est. Damage
COMMERCIAL TRANSPORT	HOME OFFICE BELLEVILLE, ILL. RR1 METROPOLIS, ILL.	(618) 543-7538	300

14. Signature of Investigating Officer P. Charles C Morsch 1276 b. Date 7.5.84 c. Copies NONE Quality Check Initials C.M. I.D. No. 176 Page 1 of 1

DLE 5-48 (R89)

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McINTYRE #17 - 12015.2 SYP204.2

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE

7-5-84 @ 715 A.M. MR. DELBERT SULLIVAN CONTACTED SUB POST 13a TO ADV
THAT A SEMI-TRUCK OWNED BY COMMERCIAL TRANSPORT HAD RECEIVED TIRE
DAMAGE AT THE MAIN GATE OF THE MISSOURI PORTLAND CEMENT Co, JOPP
MR. SULLIVAN WHO IS THE MANAGER OF COMMERCIAL TRANSPORT (JOPP
REQUESTED A REPORT BE MADE OF THE INCIDENT.

TPR. GOSS AND THE R.T. MET WITH SULLIVAN AND TRUCK DRIVER. THOMAS
FRENCH AT THE JOPPA OFFICE OF COMMERCIAL TRANSPORT AT 8:00 AM.
AT THIS TIME, FRENCH AND SULLIVAN STATED THAT AT 6:00 AM ON 7-5-84
FRENCH DROVE A SEMI-TRUCK INTO PORTLAND CEMENT Co AT JOPPA.
THE MAIN GATE TO PORTLAND WAS MANNED BY THREE PICKETS DUE
TO THE ONGOING STRIKE.

FRENCH ADVISED HE COULD SEE NAILS ON THE ROADWAY AT THE MAIN
GATE AND UPON RETURNING TO COMMERCIAL TRANSPORT IT WAS FOUND
THAT A SMALL PLYWOOD BOARD WITH SEVEN NAILS PROTRUDING HAD
PUNCTURED THE RIGHT FRONT TIRE OF THE TRUCK. MR SULLIVAN
STATES THE TIRE CAN NOT BE REPAIRED AND WILL COST $300.00 ITO R. 26

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#18

JUL 9 1984

Missouri Portland Sta

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
1 3	1. On View 2. Telephone 3. In Person 4. U.S. Mail 5. Other Agency 6. CB Radio	Date 7/6/84 Time 115 AM PM	Date 7/6/84 Time UNKNOWN AM PM	F-13-84-103

CODES

1. TYPE OF REPORT: 1. Initial Report 2. Cons Data Report 3. Prelim. Investigation 4. [ ] History Info. 5. Loss or damage of $75 or more 6. Personal Injury 7. Encumbrance 8. Intoxication Treatment Act

6a. & 6b. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle, 2. 2 Man Patrol Vehicle, 3. Detective or Special Assignment, 4. Other Special Assignments, 5. Off Duty

7. SYMBOLS: C. Complainant, D. Defendant, I. Informant, S. Suspect, V. Victim, W. Witness, R. Relative, DR. Driver, P. Passenger, O. Other

8d. RACE: W- White, N- Negro, I- Amer. Indian/Alaskan, M- Mexican, P- Puerto Rican, H- Other Hispanic, A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black, 2. Blue, 3. Brown, 4. Grey, 5. Green, 6. Hazel, 7. Maroon, 8. Pink

8h. HAIR COLOR: 1. Bald, 2. Black, 3. Blonde or Strawberry, 4. Brown, 5. Grey or Part. Grey, 6. Red or Auburn, 7. Sandy, 8. White

8i. BUILD: 1. Heavy, 2. Medium, 3. Thin, 4. Slight

8k. MARITAL STATUS: 1. Married, 2. Separated, 3. Divorced, 4. Single, 5. Remarried

10a. INJURIES: 1. Killed, 2. Fractures, 3. Blunt Wounds, 4. Gunshot Wounds, 5. Serrations & Bites-Human, 6. Serrations & Bites-Animal, 7. Bruises & Abrasions, 8. Lacerations, 9. Poison, 0. Burns

12a. WEAPON: 1. Hands, 2. Feet, 3. Handgun, 4. Shotgun, 5. Rifle, 6. Knife, 7. Club, 8. Bottle, 9. Vehicle, 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Complaint), 1. Referred to Responsible Jurisdiction, 2. Pending Investigation
CLEARED BY ARREST: 3. Adult, 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-A, 6. Failed to File Complaint or Prosecute-J, 7. Other Exceptional Clearances-Adult, 8. Other Exceptional Clearances-Juv., 9. Case Administratively Closed

6. Brief Description: CRIMINAL DAMAGE TO PROPERTY (FELONY)
a. Location: C.I.P.S. JOPPA SUB STATION @ E.E.I. City: JOPPA County/Township: MASS
b. Investigating Officer (Print or Type - Last, First, Middle): MORSCH, CHARLES C. I.D. No.: 1276 Dist No.: 13
c. Responding Vehicle: 2
d. Assisting Officer (Last, First, Middle): ROSE, RICHARD I.D. No.: 1788 Dist No.: 13
e. Response: 2

7. a. Name (Last, First, Middle): C. SPENCER, DENNIS R.
b. Home Address: RR3 BOX 10A CARTERVILLE IL 62918
c. Telephone: (618) 997-2889
d. Business Name and Address: CIPS 1900 W. MAIN MARION

8. a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
335-52-4690	6/20/56	M	W	5'9	165	3	4	MED	2	NA	NA

9. a. Driver License No.: S152-1755-6175
b. Date Arrested: / / N.A. Time: AM PM
c. Location of Arrest: N.A.
d. Offense Section: 21-35
e. A C / B O
f. Where Held: N.A.

10. a. Place of Birth: N.A.
b. Alias: N.A.
c. Injuries: N.A.
d. Address where treatment given: N.A.
e. I.S.P. Ticket No.: N.A.
f. CIB Case No.: N.A.

11. a. Ct. App. Date: NA
b. Date Miranda Given / / NA Time: AM PM
c. Officer Name I.D. No.: N.A.
d. Fingerprinted by: N.A.
e. Date: NA
f. Bond: N.A.
g. Occupation: CIPS FOREMAN
h. FBI No.: N.A.
i. ISB No.: N.A.

12. a. Weapon: NA
b. 1. Alcohol Involved 2. Drug Involved
c. Case Status: 2
d. Place: 330
e. Method: 400
f. Property Code: N.A.
g. Recovery Code: N.A.
h. Property — Value: $200 — STOLEN / RECOVERED / DAMAGED
i. LEADS Message No.: N.A.

7. a. Name (Last, First, Middle)
b. Home Address
c. Telephone
d. Business Name and Address

8. a. Soc. Sec. No. | b. D.O.B. / / | c. Sex | d. Race | e. Ht. | f. Wt. | g. Color Eyes | h. Color Hair | i. Complex | j. Build | k. Mar. Status | l. Scars - Tattoos - Deformities - Amputations

9. a. Driver License No.
b. Date Arrested / / Time: AM PM
c. Location of Arrest
d. Offense Section
e. A C / B O
f. Where Held

10. a. Place of Birth
b. Alias
c. Injuries
d. Address where treatment given
e. I.S.P. Ticket No.
f. CIB Case No.

11. a. Ct. App. Date / /
b. Date Miranda Given / / Time: AM PM
c. Officer Name I.D. No.
d. Fingerprinted by
e. Date / /
f. Bond
g. Occupation
h. FBI No.
i. ISB No.

12. a. Weapon
b. 1. Alcohol Involved 2. Drug Involved
c. Case Status
d. Place
e. Method
f. Property Code
g. Recovery Code
h. Property — Value: STOLEN / RECOVERED / DAMAGED
i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13. a. Color	b. Year	c. Mfg. Trade Name	d. Body/Hull Style	e. Year/State	f. License No.	g. Vin/Hull No.
NA	NA	NA	NA	NA	NA	NA

h. Owner: N.A.
i. Address: N.A.
j. Telephone: N.A.
k. Est. Damage: N.A.

14. Signature of Investigating Officer: C. Morsch 1276
a. Date: 7/6/84
b. Forward to: D.C.I. YARDS MARION, ILL.
Quality Check Initials: I.D. No. 176
Page 1 of 1 Pages

McINTYRE #18 SWED

S4P206

117

ISP 5-6 (7-69)

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TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.

1:50pm. 7-6-84 Mr. Raymond Moreland of the Anna C.I.P.S office Contacted Sgt Kenneth Jones, A Supervisor on the Missouri Portland Strike Detail, By Public Service To Advise That the Cips Joppa Sub Station Located on the Joppa Road Near EEI and Missouri Portland Had Been Vandalized. Mr. Moreland Requested That A Report Be Made and that the Incident Be Investigated By I Tpr. Rose and the R.T. Met With Mr. Dennis R. Spencer., A Cips Foreman, At the Scene of the Incident at 2:15pm.

Mr. Spencer advised that he was making a Routine check of the Power Station at 1:15pm 7-6-84 when he found that (3) Valves on the oil Circuit Breaker # 738 had been removed By person or persons unknown and that 800 Gal of oil had Drained From the System.

Circuit Breaker # 738 was on the Direct Power Line to Missouri Portland. No Damage was found on the System, However, Damage would have Resulted in Power Loss To Missouri Portland For an extended period of time.

The Sub Station is enclosed and Guarded By a Fence with Barbed wire on the Top. Investigation Revealed no point of entry to the Sub-Station and Nothing else was Reported or Found to be Disturbed.

The person or persons involved in this Act would have some knowledge of the System and Location of Circuit Breaker # 738

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ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 1, 3
2. How I.S.P. Initially Notified: 1. On View; 2. Telephone; 3. In Person; 4. U.S. Mail; 5. Other Agency; 6. CB Radio
3. Initial Notification: Date 07.11.84 Time 12:55 AM/PM
4. Incident Occurrence: Date 07.11.84 Time 12:25 AM/PM
5. Number: F-13-84-1065

CODES

1. TYPE OF REPORT: 1. Incident Report; 2. Case Data Report; 3. Prelim. Investigation; 4. Per Warranty Info.; 5. Loss or Damage of ISP Equipment; 6. Personal Injury; 7. Breathalyzer; 8. Intoxication Treatment Act
2a. & 2c. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle; 2. 2 Man Patrol Vehicle; 3. Detective or Special Assignment; 4. Other Special Assignments; 5. Off Duty
7. SYMBOLS: C. Complainant; D. Defendant; I. Informant; S. Suspect; V. Victim; W. Witness; R. Relative; DT. Driver; P. Passenger; O. Other
8a. RACE: W. White; N. Negro; I. Amer. Indian/Alaskan; M. Mexican; P. Puerto Rican; H. Other Hispanic; A. Asian/Pacific Islander
8c. COLOR EYES: 1. Black; 2. Blue; 3. Brown; 4. Gray; 5. Green; 6. Hazel; 7. Maroon; 8. Pink
8h. HAIR COLOR: 1. Bald; 2. Black; 3. Blonde or Strawberry; 4. Brown; 5. Grey or Part. Grey; 6. Red or Auburn; 7. Sandy; 8. White
8i. BUILD: 1. Heavy; 2. Medium; 3. Thin; 4. Slight
8h. MARITAL STATUS: 1. Married; 2. Separated; 3. Divorced; 4. Single; 5. Remarried
10a. INJURIES: 1. Killed; 2. Fractures; 3. Bad Wounds; 4. Gunshot Wounds; 5. Scratches & Bites-Human; 6. Scratches & Bites-Animal; 7. Bruises & Abrasions; 8. Lacerations; 9. Poison; 0. Burns
12a. WEAPON: 1. Hands; 2. Feet; 3. Handgun; 4. Shotgun; 5. Rifle; 6. Knife; 7. Club; 8. Bottle; 9. Vehicle; 0. Other
12c. CASE STATUS: 0. Unfounded (False or Baseless Complaint); 1. Referred to Responsible Jurisdiction; 2. Pending Investigation; CLEARED BY ARREST: 3. Adult; 4. Juvenile; EXCEPTIONAL CLEARANCE: 5. Failed to File Complaint or Prosecute-Adult; 6. Failed to File Complaint or Prosecute-Juv.; 7. Other Exceptional Clearance-Adult; 8. Other Exceptional Clearance-Juv.; 9. Case Administratively Closed

8. Brief Description: CRIMINAL DAMAGE TO PROPERTY
a. Location: NORTH AVE IN FRONT OF OLD JOPPA GRADE SCHOOL
City: MASSAC/Hmbr
County/Township:
9. (Investigating Officer (Print or Type) Last, First, Middle): JERALDS PHIL M — I.D. No.: 2339 — Dist. No.: 13
c. Responding Vehicle: 2
d. Assisting Officer (Last, First, Middle): THADY DON E — I.D. No.: 660 — Dist. No.: 13
e. Responding Vehicle: 2

SUSPECT

a. Name (Last, First, Middle): SMITH MORRIS —
b. Home Address: P.O. Box 49 JOPPA ILL
c. Telephone: —
d. Business Name and Address: COMMERCIAL TRANSPORT INC, JOPPA

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex.	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
325249670	06/16/29	M	W	600	182	2	5	FAIR	2	3	NONE

a. Driver License No.: S530540291 71
b. Date Arrested: Time: — AM/PM: I
c. Location of Arrest: —
d. Offense Section: 38-21-1
e. A: | B: | C: X
f. Where Held: —

a. Place of Birth: PADUCAH
b. Alias: —
c. Injuries: —
d. Address where treatment given: —
e. I.S.P. Ticket No.: —
f. CIB Case No.: —

a. Ct. App. Date: —
b. Date Miranda Given: — Time: — AM/PM: I
c. Officer Name: — I.D. No.: —
d. Fingerprinted by: —
e. Date: —
f. Bond: —
g. Occupation: —
h. FBI No.: —
i. ISP No.: —

a. Weapon: 6
b. 1. Alcohol Involved: M; 2. Drug Involved:
c. Case Status: 2
d. Place: 304
e. Method: 411
f. Property Code: 837
g. Recovery Code: —
h. Property – Value: STOLEN — RECOVERED — DAMAGED
i. LEADS Message No.: —

WITNESS

a. Name (Last, First, Middle): VANZANT GERALD
b. Home Address: JOPPA ILL
c. Telephone: —
d. Business Name and Address: —

a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex.	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
—	06/17/46	M	W	508	167	2	4	FAIR	2	1	UNK

a. Driver License No.: V325 2446172
b. Date Arrested: Time: — AM/PM: I
c. Location of Arrest: —
d. Offense Section: —
e. A: | B: | C: X
f. Where Held: —

a. Place of Birth: —
b. Alias: —
c. Injuries: —
d. Address where treatment given: —
e. I.S.P. Ticket No.: —
f. CIB Case No.: —

a. Ct. App. Date: —
b. Date Miranda Given: — Time: I — AM/PM:
c. Officer Name: — I.D. No.: —
d. Fingerprinted by: —
e. Date: —
f. Bond: —
g. Occupation: —
h. FBI No.: —
i. ISP No.: —

a. Weapon: —
b. 1. Alcohol Involved: ; 2. Drug Involved:
c. Case Status: 2
d. Place: 304
e. Method: 411
f. Property Code: 837
g. Recovery Code: —
h. Property – Value: STOLEN — RECOVERED — DAMAGED
i. LEADS Message No.: —

VEHICLE OR BOAT INFORMATION

a. Make: FRD
b. Year: 1978
c. Make/Trade Name: FREIGHTLINER
d. Body/Hull Style: TRACTOR / TRAILER
e. Year/State: 84/ILL
f. License No.: P44742
g. Vin/HIN: 149130 UNIT 66

a. Owner: COMMERCIAL TRANSPORT, INC
b. Address: 207 S 20TH ST P.O. BOX 469 METROPOLIS, ILL
c. Telephone: —
d. Est. Damage: $1,000

14. Investigating Officer: PHJerald
a. Date: 07.11.84
b. Copies to:
Stability Check: Initial — I.D. No.:
Page 1 of 1 Pages

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119

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO	STATE

ON THIS DATE, SEVERAL UNKNOWN SUBJECTS, IN A PICKUP TRUCK, STOPPED IN THE MIDDLE OF THE ROAD AND FORCED THE SEMI TO STOP. SUBJECTS THEN TOLD THE DRIVER, MR. SMITH, TO SHUT OFF THE TRUCK AND GET AWAY. HE PULLED HIS TRUCK OFF THE ROADWAY AND SHUT IT OFF. AS HE WAS LEAVING, HE HEARD A LOUD BANG AND THE HISSING OF AIR. HE WENT TO THE KNOTTY PINE BAR AND CALLED A FRIEND TO COME AND GET HIM. UNKNOWN PARTY CALLED MASSAC CO. AND THEY CALLED US.

UPON ARRIVAL, WE FOUND THE SEMI OFF THE ROADWAY, AIR & ELECTRIC CABLES CUT, THE RIGHT FRONT TIRE CUT, AND ONE RIGHT REAR DRIVE AXLE TIRE CUT. MR SMITH DID NOT KNOW THE SUBJECTS, NOR WHAT KIND OF VEHICLE FORCED HIM TO STOP.

VEARHE'S TOWING OF METROPOLIS TOWED THE SEMI TO THE COMMERCIAL TERMINAL.

WE THEN SPOKE TO MR VANZANT ABOUT THE INCIDENT, WHICH HAPPENED IN FRONT OF HIS RESIDENCE, HE WAS THREATENED BY ONE OF THE SUBJECTS AND WOULD NOT ASSIST ANY FURTHER

NO. HIT/RUN DAMAGE REPORTED

2 SIDED

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ILLINOIS DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
B4P2062	July 12, 1984	S/A Ed Thrailkill #2482		
Subj:	Case Agent:	Office:	Typed By:	Date:
PORTLAND CEMENT	Thrailkill	Zone 13	jw	07/20/84

On Thursday, July 12, 1984, the reporting agent interviewed DELBERT SULLIVAN, W/M, DOB: 05/06/42, Route 1, Metropolis, Illinois, phone: (618)524-2581.

SULLIVAN is the terminal manager for COMMERCIAL TRANSPORT, INC., located in Joppa, Illinois, phone: (618)543-7538. Company headquarters are P.O. Box 469, Belleville, Illinois, phone: (618)233-5260.

DELBERT SULLIVAN indicated that in the early morning of Wednesday, July 11, 1984, one of his COMMERCIAL TRANSPORT, INC., semi-tractor trailer trucks was forced to stop, by individuals in a pickup truck, and the truck was then heavily vandalized.

SULLIVAN indicated he was telephoned by GERALD VAN ZANDT at approximately 12:45 A.M., on Wednesday, July 11, at the time the incident was occurring. The truck was forced to stop in the driveway area of VAN ZANDT'S home. At this time, VAN ZANDT indicated he knew one (1) of the individuals responsible for stopping the truck was KENNEY KERR, VAN ZANDT indicated to DELBERT SULLIVAN that there were approximately four (4) individuals responsible for the action, one of which was a female.

GERALD VAN ZANDT advised SULLIVAN that he was outside his home, when one of the men involved approached him. At this time KENNEY KERR stopped the man and told VAN ZANDT that VAN ZANDT did not see or know anything. That this was union business and not his business.

DELBERT SULLIVAN identified the truck driver involved as MORRIS SMITH of Joppa, Illinois.

Dissemination:

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

DLE4-3 (8/77)

McINTYRE ILLI IS DEPARTMENT OF LAW ENFORCEMENT
#19 INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):	Lead No:
84P2062	July 31, 1984	S/A Ed Thrailkill #2482	

Su:	Case Agent:	Office:	Typed By:	Date:
PORTLAND COMPANY	Thrailkill	Zone 13	ac 7/31/84	

On Sunday, July 29, 1984, the MISSOURI PORTLAND CEMENT COMPANY discovered damage relating to purposeful vandalism to an item of machinery at the cement plant, Joppa, Illinois.

Sgt. Dunning and Trooper Mathis of the Illinois State Police were dispatched to the scene and prepared a field report.

Trooper S. Mathis secured a hacksaw, believed to have been used in the vandalism, as well as one (1) of the machinery belts cut, as items of possible evidentiary value.

A Department of Law Enforcement Evidence Inventory and Receipt form was prepared for the items obtained by Trooper Mathis.

Photostatic copies of the field report and the evidence receipt are attached to this report.

Dissemination:

RA

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

DLE4-3 (8/77)

DLE 43 (1/84) DEPARTMENT OF LAW ENFORCEMENT EVIDENCE/EXPENDITURE REPORT

Division No.	Crime Code (This Offense)	Date of Action	Day	Time of Action
84P2062	6003/3100	7/31/84	Tuesday	12:30 pm

Subject: Race - Sex - DOB (If not Previously Reported)

Place of Incident: Massac | Address: — | City: Joppa | Vehicle Used in Offense (Make, Year, License, Stat: —

Funds Were: Disbursed by This Agent: Yes ____ No X | Provided By This Agent To: X

(IF NUMBER OF INCIDENTS > 1 SAVE)

REPORT CODE	EXHIB. NO.	UNITS/ QUAN.	SPECIFY AND DESCRIBE ITEM*	DRUG WT. IN GMS.	LEGAL VALUE	COST/ ILLEGAL VALUE	FUNDS** DIV		Other	STORAGE CODE
08	1	1	Nicholson (Brand)	—	10.00	—				
			No. 10 Hacksaw							14
05 08	2	1	Machine Belt (Rubber)	—	N/A	—				
			Cummins Engine Co. Inc.							
			198617 WPZ SYN 090							14

REPORT CODES

DRUGS
- Purchase ..... DP***
- Seizure ..... DS
- OAF Recovery ..... DR
- Split Transaction ..... DX
- Buy-Arrest ..... DB

GAMBLING
- Bet ..... GB
- Winnings ..... GW
- OAF Recovery ..... GR

INFORMATION/SERVICES
- Purchase ..... IP

OTHER
- Purchase ..... OP
- Seizure ..... OS
- OAF Recovery ..... OR
- Buy-Arrest ..... OB
- Property Found ..... OF
- Split Transaction ..... OX
- Not Seized (Photos, Tapes, Etc.) ..... ON
- Expense Payment ..... EP
- Stolen Prop. Recovery ST
- Pharm. Collection ..... PC

STORAGE CODES

1. Headquarters
2. Zone 1
3. Zone 2
4. Zone 3
5. Zone 4
6. Zone 5
7. Zone 6
8. Zone 7
9. Zone 8
10. Zone 9
11. Zone 10
12. Zone 11
13. Zone 12
14. Zone 13
15. Zone 14
16. Zone 15
17. Zone 16
18. —
19. —
20. Maywood Lab.
21. Rkford Lab.
22. Rk Island Lab.
23. Pekin Lab.
24. Joliet Lab.
25. Fairview Hts. Lab.
26. DeSoto Lab.
27. Champaign Lab.
28. Spfld. Lab.
29. Chgo. P.D. Lab.
30. U.S. Chemist Lab.
31. FBI Lab
32. Other (specify)

*Specify whether Bookmaking, Policy, Cartage, Slots, Pinball, Firearms, Autos, Stolen Goods, Heroin, Cocaine, Cannabis, Etc.
**Show specific grant or other agency funds.
***Use name of purported substance.

H. E. Thrailkill 2182 ZONE 13 — CASE AGENT
H. E. Thrailkill 2182 ZONE 13 — REPORTING AGENT
Robert N. Tomm 7-31-84 — (APPROVED) (DATE)

ADMINISTRATIVE USE ONLY – DO NOT DISSEMINATE

SET OF 5 SHEETS: WHITE – CASE FILE GREEN – FISCAL CANARY – CASE AGENT PINK – MIS GOLDENROD – CS

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 1-2-3
2. How I.S.P. Initially Notified: 1. On View | 2. Telephone | 3. In Person | 4. U.S. Mail | 5. Other Agency | 6. CB Radio
3. Initial Notification: Date 07 2534 Time 1230 AM/PM
4. Incident Occurrence: Date Unk Time AM/PM
5. Number: F-13-84-1189

1. TYPE OF REPORT: 1. Incident Report; 2. Case Data Report; 3. Property Investigation; 4. Pol. Money Info.; 5. Loss or damage of ISP property; 6. Personal Injury; 7. Breathalyzers; 8. Information Treatment Act
6a. & 6b. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle; 2. 2 Man Patrol Vehicle; 3. Detective or Special Assignment; 4. Other Special Assignments; 5. Off Duty
7. SYMBOLS: C. Complainant; D. Defendant; I. Informant; S. Suspect; V. Victim; W. Witness; R. Relative; DR. Driver; P. Passenger; O. Other
8c. RACE: W- White; B - Black; I - Amer. Indian/Alaskan; M- Mexican; P- Puerto Rican; H- Other Hispanic; A- Asian/Pacific Islander
8g. COLOR EYES: 1. Black; 2. Blue; 3. Brown; 4. Grey; 5. Green; 6. Hazel; 7. Maroon; 8. Pink
8h. HAIR COLOR: 1. Bald; 2. Black; 3. Blonde or Strawberry; 4. Brown; 5. Grey or Part. Grey; 6. Red or Auburn; 7. Sandy; 8. White
8i. BUILD: 1. Heavy; 2. Medium; 3. Thin; 4. Slight
8m. MARITAL STATUS: 1. Married; 2. Separated; 3. Divorced; 4. Single; 5. Remarried
10a. INJURIES: 1. Killed; 2. Fractures; 3. Stab Wounds; 4. Gunshot Wounds; 5. Narcotics & Alco-Human; 6. Scratches & Bites-Animal; 7. Bruises & Abrasions; 8. Lacerations; 9. Poison; 0. Burns
12a. WEAPON: 1. Hands; 2. Feet; 3. Handgun; 4. Shotgun; 5. Rifle; 6. Knife; 7. Club; 8. Bottle; 9. Vehicle; 0. Other
12c. CASE STATUS: 0. Unfounded (False or Baseless Complaints); 1. Referred to Responsible Jurisdiction; 2. Pending Investigation
CLEARED BY ARREST: 3. Adult; 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult; 6. Failed to File Complaint or Prosecute-Juv; 7. Other Exceptional Clearance-Adult; 8. Other Exceptional Clearance-Juv; 9. Case Administratively Closed

A 3115

Brief Description: VANDALISM - PROPERTY DAM. - M/R TRUCK
a. Location: JOPPA IL
City: MASSAC
County/Township:
b. Investigating Officer (Print or Type - Last, First, Middle) I.D. No. Dist No.: MATHIS STANLEY A 1170 13
c. Response Vehicle: 1
d. Assisting Officer (Last, First, Middle): DUNNING SAMUEL V. 1610 3 1

7. a. Name (Last, First, Middle): PERSON OR PERSONS UNKNOWN
b. Home Address
c. Telephone
d. Business Name and Address
e. Soc. Sec. No. | b. D.O.B. | c. Age | d. Sex | e. Race | f. Wt. | g. Color Eyes | h. Color Hair | i. Complex | j. Build | k. Mar. Status | l. Scars - Tattoos - Deformities - Amputations
8. a. Driver License No. | b. Date Arrested Time AM/PM | c. Location of Arrest | d. Offense Section | e. A/B/C/O | f. Where Held
10. a. Place of Birth | b. Alias | c. Injuries | d. Address where treatment given | e. I.S.P. Ticket No. | f. CIB Case No.
11. a. Ct. App. Date | b. Date Miranda Given Time AM/PM | c. Officer Name I.D. No. | d. Fingerprinted by | e. Date | f. Bond | g. Occupation | h. FBI No. | i. IRB No.
12. a. Weapon UNK | b. 1. Alcohol Involved 2. Drug Involved | c. Case Status 2 | d. Place 209 | e. Method N/A | f. Property Code N/A | g. Recovery Code N/A | h. Property - Value $200 STOLEN RECOVERED DAMAGED | LEADS Message No. N/A

7. a. Name (Last, First, Middle): UNKNOWN
b. Home Address
c. Telephone
d. Business Name and Address
e. Soc. Sec. No. | b. D.O.B. | c. Age | d. Sex | e. Race | f. Wt. | g. Color Eyes | h. Color Hair | i. Complex | j. Build | k. Mar. Status | l. Scars - Tattoos - Deformities - Amputations
8. a. Driver License No. | b. Date Arrested Time AM/PM | c. Location of Arrest | d. Offense Section | e. A/B/C/O | f. Where Held
10. a. Place of Birth | b. Alias | c. Injuries | d. Address where treatment given | e. I.S.P. Ticket No. | f. CIB Case No.
11. a. Ct. App. Date | b. Date Miranda Given Time AM/PM | c. Officer Name I.D. No. | d. Fingerprinted by | e. Date | f. Bond | g. Occupation | h. FBI No. | i. IRB No.
12. a. Weapon | b. 1. Alcohol Involved 2. Drug Involved | c. Case Status | d. Place | e. Method | f. Property Code | g. Recovery Code | h. Property - Value STOLEN RECOVERED DAMAGED | LEADS Message No.

VEHICLE OR BOAT INFORMATION

15. a. Color | b. Year | c. Mfg. Trade Name | d. Body/Hull Style | e. Year/Make | f. License No. | g. Vin/Hull No.
h. Owner: UNK Address: OWN | i. Telephone | j. Est. Damage
14. Investigation: Stanley Mathis Jr. 1170 07 2534 Ill. Dept. of St. Police | Quality Check Initial I.D. No. | Page 1 of 1 Pages

BLE 5-48 (7-81)

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TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE

AT 1204 P.M., 7/29/84, MASSAC CO. SHERIFF'S OFFICE RECEIVED A CALL FROM BILL SOCHARNOSKI, CHIEF OF SECURITY, REPORTING VANDALISM ON MO/PORTLAND CEMENT CO. PROPERTY. INFORMATION RELAYED TO SGT. DUNNING.

AT 1230 P.M. SGT. DUNNING AND TPR MATHIS WENT TO THE CEMENT PLANT AND SPOKE TO DON SMITH (ASST. PLANT MGR.) AND SOCHARNOSKI. SMITH STATES HE WENT TO THE PORTABLE CRUSHER TO START UNIT AND FOUND FAN BELTS CUT. HE WENT BACK TO MAINTENANCE TO GET NEW BELTS. UPON RETURNING TO THE CRUSHER, HE THEN NOTICED OTHER DAMAGE. (SUNDAY MORNING) DAMAGE CONSISTS OF: 3 FAN BELTS - ONE OIL LINE - 1 FUEL LINE - (ON CUMMINS ENGINE; SERIAL # 192588) ALSO ATTEMPTED TO SAW THROUGH A 1¼" HYDRAULIC LINE. SUBJECTS LEFT HACK SAW AT SCENE. HACK SAW AND CUT FAN BELT TAKEN AS EVIDENCE WITH DON SMITH TAKING RECEIPT.

EVIDENCE TO BE RELAYED TO D.C.I. FOR INVESTIGATION.

DON SMITH ADVISED THAT THE VANDALISM HAD TO OCCUR BETWEEN FRIDAY NIGHT AND SUNDAY MORNING.

MO/PORTLAND CEMENT CO. IS ON UNION STRIKE. APPARENTLY THIS INCIDENT RELATES TO THE STRIKE SITUATION.

A CLARK FORK-LIFT NEXT TO THE CRUSHER HAD SOME WIRES CUT.

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52-750 O—86—5

ENFORCEMENT EVIDENCE INVENTORY AND RECEIPT

1. Date 01-24-84 3. _/File No. _____
2. Time 1310 4. [illegible]et No. 13

5. Name or Place of Business	6. Address and City
MO/PORTLAND CEMENT CO	JOPPA, IL

ITEMIZED LIST OF EVIDENCE 7. (List all items by name & serial no., if any, amount of currency, coins etc.)	LOCATION EVIDENCE FOUND 8. (Specify Location)
1 NICHOLSON #10 HACK SAW	PORTABLE CRUSHER (ENGINE DECK)
1 CUT FAN BELT	

9. Received from (Signature)	10. Received by (Print Name and I.D. No.)
[illegible]	[illegible] Miller Jr 1170

FD 597 (12/77)

AUG 23 1984

ILLINOIS STATE POLICE FIELD REPORT

#20

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
1, 2, 3, 4	1. On View 2. Telephone 3. In Person 4. U.S. Mail 5. Other Agency 6. CB Radio	Date 08/17/84 Time 10:35 AM PM	Date 08/17/84 Time 18:20 AM PM	F-13-84-1316

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Follow Investigation 4. Per. History Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Encounters 8. Interception Treatment Act

6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle 2. 2 Man Patrol Vehicle 3. Detective or Special Assignment 4. Other Special Assignments 8. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White B- Black I- Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Grey 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Grey or Part. Grey 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10a. INJURIES: 1. Killed 2. Fractures 3. Gun Shot Wounds 4. Gunshot Wounds 5. Burns/Gas & Bites-Human 6. Burns/Gas & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 9. Poison 0. None

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bottle 9. Vehicle 0. Other

12c. CASE STATUS: 0. Unfounded (False or Baseless Complaint) 1. Referred to Responsible Jurisdiction 2. Pending Investigation

CLEARED BY ARREST: 3. Adult 4. Juvenile

EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearance-Adult 8. Other Exceptional Clearance-Juv. 9. Case Administratively Closed

6. Brief Description	a. Location	City	County/Township
REPORT OF SHOTS FIRED AT LABOR DISPUTE SITE	MISSOURI-PORTLAND CEMENT COMPANY PLANT		MASSAC / 15

b. Investigating Officer (Print or Type - Last, First, Middle)	I.D. No.	Dist. No.	c. Response Vehicle	d. Assisting Officer (Last, First, Middle)	I.D. No.	Dist. No.	e. Response
COX, ROGER D.	3030	13	1	N/A			N/A

7. PERSONS

	a. Name (Last, First, Middle)	b. Home Address	c. Telephone	d. Business Name and Address
W	DORSEY, DAVID D.	2045 S. 41st ST. LOUISVILLE, KY 40211		NICHOLS AND ASSOCIATES SECURITY CINCINNATI, OHIO

	a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex.	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
W	309-48-5711	06/06/46										

	a. Driver License No.	b. Date Arrested	Time	c. Location of Arrest	d. Offense Section	e. A C	f. Where Held
W	KY D-620-135-135-925-6	/ /	AM PM				

	a. Place of Birth	b. Alias	c. Injuries	d. Address where treatment given	e. I.S.P. Ticket No.	f. CIB Case No.

	a. Ct. App. Date	b. Date Miranda Given	Time	c. Officer Name	I.D. No.	d. Fingerprinted by	e. Date	f. Bond	g. Occupation	h. FBI No.	i. IBB No.
	/ /	/ /	AM PM				/ /				

	a. Weapon	b. 1. 2. Alcohol Involved Drugs Involved	c. Case Status	d. Place	e. Method	f. Property Code	g. Recovery Code	h. Property – Value			i. LEADS Message No.
								STOLEN	RECOVERED	DAMAGED	

	a. Name (Last, First, Middle)	b. Home Address	c. Telephone	d. Business Name and Address
W	CHANDLER, TIMOTHY C.	111 WASHINGTON ST. NEW RICHMOND, OH 45157		NICHOLS AND ASSOCIATES SECURITY CINCINNATI, OHIO

	a. Soc. Sec. No.	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex.	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
W	296-46-1354	01/19/54										

	a. Driver License No.	b. Date Arrested	Time	c. Location of Arrest	d. Offense Section	e. A C	f. Where Held
W	OH NT211534	/ /	AM PM				

	a. Place of Birth	b. Alias	c. Injuries	d. Address where treatment given	e. I.S.P. Ticket No.	f. CIB Case No.

	a. Ct. App. Date	b. Date Miranda Given	Time	c. Officer Name	I.D. No.	d. Fingerprinted by	e. Date	f. Bond	g. Occupation	h. FBI No.	i. IBB No.
	/ /	/ /	AM PM				/ /				

	a. Weapon	b. 1. 2. Alcohol Involved Drugs Involved	c. Case Status	d. Place	e. Method	f. Property Code	g. Recovery Code	h. Property – Value			i. LEADS Message No.
								STOLEN	RECOVERED	DAMAGED	

VEHICLE OR BOAT INFORMATION

13. a. Color	b. Year	c. Mfg. Trade Name	d. Body/Hull Style	e. Year/State	f. License No.	g. Number

h. Owner	i. Address	j. Telephone	k. Est. Damage

14. Signature of Investigating Officer	a. Date	b. Copies to	Quality Check Initial	I.D. No.	Page 1 of 2 Pages
	08/18/84	HQE 2 3		614	

DUFS-48 (R-4)

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127

TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE

ON SATURDAY, 08-18-84, AT 10:25 P.M. THE DUNDON DESK RECEIVED A CALL FROM MICHAEL BRADLEY OF WICHES AND ASSOCIATES SECURITY, WHO REPORTED THAT AT APPROXIMATELY 10:20 P.M. SHOTS HAD BEEN FIRED AT THE MAIN GATE OF THE MISSOURI-PORTLAND CEMENT COMPANY PLANT NEAR JOPPA, ILLINOIS.

BIO INTERVIEWED THE OCCUPANTS OF A SECURITY VIDEO EQUIPMENT TRUCK, DAVID D. BORSEY AND TIMOTHY C. CHANDLER, WHO STATED THAT THEY HEARD WHAT SOUNDED LIKE EITHER A RIFLE SHOT WITH AN ECHO OR TWO SHOTS IN REPITITION. AT THE TIME THEY HEARD THE NOISE, THREE LIGHTS ON A PORTABLE LIGHTING UNIT NEAR THE GATE WENT OUT. THEY STATED THAT THEY IMMEDIATELY BACKED THE TRUCK AWAY FROM THE GATE AND CALLED FOR ASSISTANCE. WITHIN MINUTES A WICHES SECURITY AGENCY LIEUTENANT, JERRY R. AGEE, AND THREE OTHER GUARDS DROVE TO THE MAIN GATE. MR. AGEE STATED THAT AS HE APPROACHED THE PORTABLE LIGHTING UNIT TO INVESTIGATE, HE HEARD WHAT SOUNDED LIKE APPROXIMATELY THREE PISTOL SHOTS BEING FIRED IN THE AIR. ALL OF THE SHOT NOISES WERE REPORTED TO HAVE COME FROM THE DIRECTION OF THE TENT WHICH PICKETING UNION MEMBERS HAVE ERECTED ON THE SIDE OF MASSAC COUNTY ROAD 1000 N.

THE UNION MEMBER ON THE PICKET LINE DIRECTLY IN FRONT OF THE GATE AT THE TIME OF THE INCIDENT, KENNETH D. KERR, STATED THAT HE HAD HIS BACK TO THE PLANT ENTRANCE AND HEARD "ONE LOUD POP" WHICH HE SAID SOUNDED LIKE A BULB BLOWING OUT. HE SAID THAT HE THOUGHT ONE BULB HAD BLOWN OUT, BUT LOOKED AND SAW THAT THREE WERE OUT.

NO ONE AT THE UNION TENT REPORTED HEARING ANYTHING THAT SOUNDED LIKE A GUNSHOT.

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ILLINOIS STATE POLICE FIELD REPORT

#21

68

1. Type of Report	2. How I.S.P. Initially Notified	3. Initial Notification	4. Incident Occurrence	5. Number
1,2,3,4	1. On View 2. Telephone 3. In Person 4. U.S. Mail 5. Other Agency 6. CB Radio	Date 07/11/74 Time 10:25 AM/PM	Date 07/11/74 Time 10:20 AM/PM	F-13-74-1316

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Prelim. Investigation 4. Per. History Info. 5. Loss or damage of ISP equipment 6. Personal Injury 7. Embezzlement 8. Identification Treatment Act

6a. & 6b. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle. 2. 2 Man Patrol Vehicle. 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White B - Black I - Amer. Indian/Alaskan M- Mexican P- Puerto Rican H- Other Hispanic A- Asian/Pacific Islander

8g. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Gray 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Grey or Part. Grey 6. Red or Auburn 7. Sandy 8. White

8i. BUILD: 1. Heavy 2. Medium 3. Thin 4. Slight

8k. MARITAL STATUS: 1. Married 2. Separated 3. Divorced 4. Single 5. Remarried

10a. INJURIES: 1. Killed 2. Fractures 3. Bldg Wounds 4. Gunshot 5. Wounds 6. Scratches & Bites-Human 6. Scratches & Bites-Animal 7. Bruises & Abrasions 8. Lacerations 8. Poison 8. Burns

12a. WEAPON: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bottle 9. Vehicle 0. Other

13a. CASE STATUS: 0. Unfounded (False or Baseless Complaint) 1. Referred to Responsible Jurisdiction 2. Pending Investigation
CLEARED BY ARREST: 3. Adult 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult 6. Failed to File Complaint or Prosecute-Juv. 7. Other Exceptional Clearance-Adult 8. Other Exceptional Clearance-Juv. 9. Case Administratively Closed

4. Brief Description	5. Location	City	County/Township
REPORT OF SHOTS FIRED	MISSOURI-PORTLAND CEMENT COMPANY PLANT		MASSAC / 15

6. Investigating Officer (Print or Type - Last, First, Middle)	I.D. No.	Dist. No.	6. Response Vehicle	6. Assisting Officer (Last, First, Middle)	I.D. No.	Dist. No.	6. Response
COX, ROGER D.	3030	13	1	N/A			W

7.	7a. Name (Last, First, Middle)	7b. Home Address	7c. Telephone	7d. Business Name and Address
W	KERR, KENNETH D.	BOX 253, JOPPA, IL 62953	618-543-9029	ON STRIKE - MISSOURI-PORTLAND CEMENT JOPPA, ILL

8.	8a. Soc. Sec. No.	8b. D.O.B.	8c. Sex	8d. Race	8e. Ht.	8f. Wt.	8g. Color Eyes	8h. Color Hair	8i. Complex	8j. Build	8k. Mar. Status	8l. Scars - Tattoos - Deformities - Amputations
W	320-99-6103	06/30/37										

9.	9a. Driver License No.	9b. Date Arrested	Time	9c. Location of Arrest	9d. Offense Section	9e. A/B/C/O	9f. Where Held
W	K600-5043-7185	/ /	AM/PM				

10.	10a. Place of Birth	10b. Alias	10c. Injuries	10d. Address where treatment given	10e. I.S.P. Ticket No.	10f. CIB Case No.

11.	11a. CL. App. Date	11b. Date Miranda Given	Time	AM/PM	11c. Officer Name	I.D. No.	11d. Fingerprinted by	11e. Date	11f. Bond	11g. Occupation	11h. FBI No.	11i. IBB No.
	/ /	/ /						/ /				

12.	12a. Weapon	12b. 1. 2. Alcohol Involved Drug Involved	12c. Case Status	12d. Place	12e. Method	12f. Property Code	12g. Recovery Code	12h. Property — Value STOLEN	RECOVERED	DAMAGED	12i. LEADS Message No.

7.	7a. Name (Last, First, Middle)	7b. Home Address	7c. Telephone	7d. Business Name and Address

8.	8a. Soc. Sec. No.	8b. D.O.B.	8c. Sex	8d. Race	8e. Ht.	8f. Wt.	8g. Color Eyes	8h. Color Hair	8i. Complex	8j. Build	8k. Mar. Status	8l. Scars - Tattoos - Deformities - Amputations
		/ /										

9.	9a. Driver License No.	9b. Date Arrested	Time	AM/PM	9c. Location of Arrest	9d. Offense Section	9e. A/B/C/O	9f. Where Held
		/ /						

10.	10a. Place of Birth	10b. Alias	10c. Injuries	10d. Address where treatment given	10e. I.S.P. Ticket No.	10f. CIB Case No.

11.	11a. CL. App. Date	11b. Date Miranda Given	Time	AM/PM	11c. Officer Name	I.D. No.	11d. Fingerprinted by	11e. Date	11f. Bond	11g. Occupation	11h. FBI No.	11i. IBB No.
	/ /	/ /						/ /				

12.	12a. Weapon	12b. 1. 2. Alcohol Involved Drug Involved	12c. Case Status	12d. Place	12e. Method	12f. Property Code	12g. Recovery Code	12h. Property — Value STOLEN	RECOVERED	DAMAGED	12i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13.	13a. Color	13b. Year	13c. Mfg. Trade Name	13d. Body/Hull Style	13e. Year/State	13f. License No.	13g. Vessel

	13h. Owner	13i. Address	13j. Telephone	13k. Est. Damage

14.	Signature of Investigating Officer	14a. Date	14b. Copies to:	Quality Check Initial	I.D. No.	Page 2 of 2 Pages
		07/11/74				

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TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LIC NO.	STATE

NEITHER THE GUARDS NOR ANY UNION MEMBERS REPORTED SEEING ANY MUZZLE FLASHES.

INVESTIGATION OF THE LIGHTING UNIT REVEALED WHAT APPEARED TO BE DAMAGE TO A POWER CORD CAUSED BY A SINGLE BULLET. NONE OF THE BULBS ON THE UNIT WERE DAMAGED.

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AUG 2 4 1984

ILLINOIS STATE POLICE FIELD REPORT

#22

1. Type of Report: 1-3
2. How I.S.P. Initially Notified: 3. In Person
3. Initial Notification: Date 8-22-84 Time 8:05 PM
4. Incident Occurrence: Date 8-22-84 Time 7:45 PM
5. Number: F-1384-133

CODES

1. TYPE OF REPORT: 1. Incident Report, 2. Case Data Report, 3. Prelim. Investigation, 4. Per. Inquiry Info, 5. Loss or damage of ISP equipment, 6. Personal Injury, 7. Breakdowns, 8. Intoxication Treatment Act
6c. & 6e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle, 2. 2 Man Patrol Vehicle, 3. Detective or Special Assignment, 4. Other Special Assignments, 5. Off Duty
7. SYMBOLS: C. Complainant, D. Defendant, I. Informant, S. Suspect, V. Victim, W. Witness, R. Relative, DR. Driver, P. Passenger, O. Other
8d. RACE: W. White, B. Black, I. Amer. Indian/Alaskan, M. Mexican, P. Puerto Rican, H. Other Hispanic, A. Asian/Pacific Islander
8g. COLOR EYES: 1. Black, 2. Blue, 3. Brown, 4. Grey, 5. Green, 6. Hazel, 7. Maroon, 8. Pink
8h. HAIR COLOR: 1. Bald, 2. Black, 3. Blonde or Strawberry, 4. Brown, 5. Grey or Part. Grey, 6. Red or Auburn, 7. Sandy, 8. White
8i. BUILD: 1. Heavy, 2. Medium, 3. Thin, 4. Slight
8k. MARITAL STATUS: 1. Married, 2. Separated, 3. Divorced, 4. Single, 5. Remarried
10c. INJURIES: 1. Killed, 2. Fractures, 3. Stab Wounds, 4. Gunshot Wounds, 5. Scratches & Bites-Human, 6. Scratches & Bites-Animal, 7. Bruises & Abrasions, 8. Lacerations, 9. Poison, 0. Burns
12a. WEAPON: 1. Hands, 2. Feet, 3. Handgun, 4. Shotgun, 5. Rifle, 6. Knife, 7. Club, 8. Bottle, 9. Vehicle, 0. Other
12c. CASE STATUS: 0. Unfounded (False or Baseless Complaints), 1. Referred to Responsible Jurisdiction, 2. Pending Investigation
CLEARED BY ARREST: 3. Adult, 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult, 6. Failed to File Complaint or Prosecute-Juv., 7. Other Exceptional Clearances-Adult, 8. Other Exceptional Clearances-Juv., 9. Case Administratively Closed

a. Brief Description: PICKET THROWING ROCK AT MTR VEHICLE
a. Location: ENTRANCE TO PORTLAND CEMENT
City: JOPPA. IL
County/Township: MASSA-

b. Investigating Officer (Print or Type - Last, First, Middle): BURK HAVEN E. I.D. No. 601 Dist. No. 13
c. Response Vehicle: MS 13-49
d. Assisting Officer (Last, First, Middle) I.D. No. Dist. No.
e. Resp. Vehicle

DR 7. a. Name (Last, First, Middle): FRENCH, THOMAS W
b. Home Address: 317 W 6TH METROPOLIS. IL
c. Telephone:
d. Business Name and Address: COMMERICAL TRANSPORT JOPPA. IL
DR 8. a. Soc. Sec. No.: 305-46-6547 b. D.O.B.: 07,04,44 c. Sex: M d. Race: W e. Ht.: 5-01 f. Wt.: 140 g. Color Eyes: 2 h. Color Hair: 4 i. Complex: MED j. Build: 2 k. Mar. Status: 1 l. Scars - Tattoos - Deformities - Amputations:
DR 9. a. Driver License No.: I 6662-8394-4210 b. Date Arrested: N/A Time: AM/PM c. Location of Arrest: NONE CH38 Sec 21-1a d. Offense Section: A C I O S e. Where Held: N/A
DR 10. a. Place of Birth: N/A b. Alias: N/A c. Injuries: NONE d. Address where treatment given: N/A e. I.S.P. Ticket No.: N/A f. CIB Case No.: N/A
DR 11. a. Ct. App. Date: N/A b. Date Miranda Given: N/A Time: AM/PM c. Officer Name: N/A I.D. No. d. Fingerprinted by: N/A e. Date: N/A f. Bond: N/A g. Occupation: TRY DRIVER h. FBI No.: N/A i. IBB No.: N/A
DR 12. a. Weapon: N/A b. 1. 2. Alcohol Involved Drugs Involved c. Case Status: 2 d. Place: 338 e. Method: f. Property Code: g. Recovery Code: h. Property – Value: N/A STOLEN RECOVERED DAMAGED i. LEADS Message No.: N/A
7. a. Name (Last, First, Middle) b. Home Address c. Telephone d. Business Name and Address
8. a. Soc. Sec. No. b. D.O.B. c. Sex d. Race e. Ht. f. Wt. g. Color Eyes h. Color Hair i. Complex j. Build k. Mar. Status l. Scars - Tattoos - Deformities - Amputations
9. a. Driver License No. b. Date Arrested Time AM/PM c. Location of Arrest d. Offense Section e. A C I O S f. Where Held
10. a. Place of Birth b. Alias c. Injuries d. Address where treatment given e. I.S.P. Ticket No. f. CIB Case No.
11. a. Ct. App. Date b. Date Miranda Given Time AM/PM c. Officer Name I.D. No. d. Fingerprinted by e. Date f. Bond g. Occupation h. FBI No. i. IBB No.
12. a. Weapon b. 1. 2. Alcohol Involved Drugs Involved c. Case Status d. Place e. Method f. Property Code g. Recovery Code h. Property – Value STOLEN RECOVERED DAMAGED i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

13. a. Color: YELLOW BLACK b. Year: 1977 c. Mfg. Trade Name: PETERBILT d. Body Type: TRACTOR CAB/III e. Year/Expir.: 84-IL f. License No.: 44083 g. Vehicle: N/A
h. Owner: COMMERICAL TRANSPORT INC i. Address: JOPPA. IL j. Telephone: 543-7338 k. Est. Damage: NONE
14. Signature of Investigating Officer: [signature] a. Date: 8-23-84 b. Copies to: MSII 212 Quality Control Initial: I.D. No. 614 Page 1 of 1 Pages

SLE 648 (Rev)

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TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE

ON 08-22-84 I ARRIVED AT OFFICE OF COMMERCIAL TRANSPORT - JOPPA, IL AT 8:05 A.M TO TAKE A REPORT FROM DRIVER (FRENCH) WITH DRIVER FOR THEM, MR. FRENCH REPORTED THAT AS HE ENTERED PORTLAND CEMENT A W/M SUBJECT THREW A ROCK, HITTING SIDE GLASS AT DRIVER'S SIDE (NO DAMAGE). AFTER LOADING AND LEAVING PLANT AT 7:41 A, SAME SUBJECT THREW ANOTHER ROCK, MUCH LARGER, (NO DAMAGE). I EXAMINED CAB - TRACTOR, IT APPEARED 2ND ROCK HIT LEFT UPPER SIDE OF CAB, DRIVER'S SIDE.

1515 2

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#23

COMPLAINT REPORT – MASSAC COUNTY SHERIFF'S DEPARTMENT

Case No. 2372

Ronald D. Tucker, SHERIFF

OFFENSE CLASSIFICATION: SHOOTING INCIDENT **Reporting Officer:** Dep [illegible] #13 (Signature)

Page 1 of ___

1. Date and time occurred, day of week 08-18-84 10:20PM SATURDAY	2. Location of occurrence ☐ MISSOLINI - PONTLAND TOPPA, ILL	3. Date/time reported to department 08-19-84 10:31AM
4. Victim (first name if business) ☐ race sex age occupation MISSOLINI - PONTLAND	5. Home address (business address if firm) TOPPA, ILLINOIS	6. Home phone / 7. Business phone
8. Person reporting (relationship to victim) BRUCE E. AGEE (LIEUTENANT) SECURITY GUARD	9. Home address C/O MISSOLINI - PONTLAND	10. Home phone / 11. Business phone
12. Person who discovered crime (relationship to victim) BRUCE E. AGEE	13. Home address C/O MISSOLINI - PONTLAND	14. Home phone / 15. Business phone
16. WITNESS(ES) Name - age - (relationship to victim) ☐ 1. ___ 2. NONE 3	17. Home address	18. Home phone / 19. Business phone

20. Type of premises or location where offense was committed ☐	21. Name of subdivision/apartments/park/bus. center

22. SUSPECT(S) Available description - if arrested full identification including booking - I.D. Nos. ☐ 1. ___ 2. NONE 3	23. Arrested Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐	24. Citation No.(s)

25. Vehicle used by suspect(s) year - make - body type - color - license no. - any other identification ☐ UNKNOWN	26. Direction of travel from scene: Unk. ☐ N ☐ S ☐ E ☐ W ☐ Auto ☐ Foot ☐ Other ☐

27. Injuries to person(s) Describe - use wound chart Yes ☐ No ☐ Hospital ___ Ambulance ___
NONE

28. Damage to property Describe - Est. value - Ownership ☐
SECURITY LIGHTS OUT, ELECTRICAL CABLE SHOT

29. Point where entrance was made ☐ N/A	30. Method used to gain entry ☐ N/A	
31. Instrument used (describe) ☐ UNKNOWN	32. Where were occupants at time of offense N/A	33. Weapon - force used against person ☐
34. Type property taken NONE	35. Exact location of property when stolen - or location of victim if crime against person ☐ INSIDE GATE -	
36. Apparent motive CRIM DAMAGE	37. Trademark of suspect(s) - Actions/conversation ☐ UNKNOWN	38. Victims activity at time of offense ☐ GUARDING PLANT

39. **INVESTIGATIVE ACTION TAKEN:** Int. V Yes ☒ No ☐ Int. W Yes ☒ No ☐ Int. S Yes ☐ No ☒ Take photos Yes ☐ No ☒
Obtain latent prints Yes ☐ No ☒ Locate footprints Yes ☐ No ☒ Recover evidence Yes ☐ No ☒ Neighborhood check Yes ☐ No ☒
Alarm defeated Yes ☐ No ☒ Safe attacked Yes ☐ No ☒ Any investigative leads Yes ☐ No ☒ Investigator called out Yes ☐ No ☒

40. **DESCRIPTION OF PROPERTY STOLEN** Est. Value - Entered into NCIC Yes ☐ No ☐ Any recovery Yes ☐ No ☐

N/A

133

41. **NARRATIVE:** Summarize details and events - Refer to item number when appropriate. — p 2 of ___

At Approx 10:31PM 09-19-84 I was Called To Missouri - Portland Ref A Possible Shooting. Trooper Roger Cox Also Responded. Upon My Arrival I Met (with A Lieutenant of The Guards Bruce E. Agee DOB 03-05-56. He Stated That Three Security Lights Had Been Shot Out At Approx 10:20PM. He (was Not Present (when The Lights (were Shot Out, But Had Been Called By Two of His Guards. The Guards Present At The Time of The incident (were David D. Dorsey w/m DOB 06-06-46 And Timothy C. Chandler w/m DOB 09-14-54. They (were Stationed inside The Security Van inside The Gate. They Stated They Had Heard (what Sounded (like Rifle Shots And Then Saw The Lights Go Out. They Then Called Lt. Agee. Lt. Agee Had Gone To The Area of The incident And He Stated He Thought He Heard Another Shot - This Time From A Handgun. No one Saw Any Muzzle Flash or Any indication of (who Did The Shooting. At This Point, The Guards Started Taking The Lights Down To inspect Them. Trooper Cox And I (went To interview The Strikers. We Spoke To Kenneth D. Kerr w/m DOB 06-30-37 of Box 253 Joppa. He Stated He (was (walking The Picket (line (when The incident Happened. He Also Stated He Heard A Noise But Thought it (was A Bulb Blowing Out. Everyone Else At The Striker's Tent Denied Hearing or Seeing Anything.

42. Complaint No.	43. Assisting officer(s)	44. Date and time written 09-19-84 1:30AM
45. Signature of supervisor Date/Time	46. Case status Unfounded ☐ Forward to investigation ☑ Cleared by arrest ☐	47. (Investigative Only) Inv. Assigned _____ Date _____ How Cleared? _____ Date _____ Filed Open ☐ Closed ☐ Reopened Date _____

134

#24

COMPLAINT REPORT — MASSAC COUNTY SHERIFF'S DEPARTMENT

Case No. 2437

Ronald D. Tucker SHERIFF

OFFENSE CLASSIFICATION: CRIMINAL DAMAGE Reporting Officer: Dep. Michael Scott (Signature) #13 Page 1 of ___

1. Date and time occurred, day of week: 10-25-84 11: PM THURSDAY	2. Location of occurrence ☐: MISSOURI - PORTLAND JOPPA, IL.	3. Date/time reported to department: 10-26-84 11:36 PM
4. Victim (firm name if business) ☐ race sex age occupation: PORTLAND SECURITY	5. Home address (business address if firm): MISSOURI - PORTLAND	6. Home phone / 7. Business phone
8. Person reporting: ERNEST LAMASTER (relationship to victim): SECURITY GUARD	9. Home address: DRURY INN - PADUCAH, KY.	10. Home phone / 11. Business phone
12. Person who discovered crime: SAME AS ABOVE (relationship to victim)	13. Home address: SAME AS ABOVE	14. Home phone / 15. Business phone
16. WITNESS(ES) Name - age - (relationship to victim) ☐ 1. ERNEST LAMASTER 27 SECURITY GUARD 2. 3.	17. Home address: SAME AS ABOVE	18. Home phone / 19. Business phone
20. Type of premises or location where offense was committed ☐: MISSOURI - PORTLAND PLANT	21. Name of subdivision/apartments/park/bus. center: JOPPA - RURAL	
22. SUSPECT(S) Available description - if arrested full identification including booking - I.D. Nos. ☐ 1. 2. UNKNOWN 3.		23. Arrested Yes ☐ No ☐ / Yes ☐ No ☐ / Yes ☐ No ☐ — 24. Citation No.(s)
25. Vehicle used by suspect(s) year - make - body type - color - license no. - any other identification ☐: UNKNOWN	26. Direction of travel from scene: Unk. N ☐ S ☐ E ☐ W ☐ Auto ☐ Foot ☐ Other ☐	
27. Injuries to person(s) Describe - use wound chart Yes ☐ No ☐ Hospital ___ Ambulance ___: NONE		
28. Damage to property Describe - Est. value - Ownership ☐: BROKEN WINDOW TO GUARD HOUSE DAMAGE APPROX. $30.00		
29. Point where entrance was made ☐: N/A	30. Method used to gain entry ☐: N/A	
31. Instrument used (describe) ☐: ROCK	32. Where were occupants at time of offense: IN GUARD HOUSE	33. Weapon - force used against person ☐: NONE
34. Type property taken: N/A	35. Exact location of property when stolen - or location of victim if crime against person ☐: N/A	
36. Apparent motive: CRIM DAMAGE	37. Trademark of suspect(s) - Actions/conversation ☐: UNKNOWN	38. Victims activity at time of offense ☐: ON GUARD DUTY

39. INVESTIGATIVE ACTION TAKEN: Int. V Yes ☒ No ☐ — Int. W Yes ☒ No ☐ — Int. S Yes ☐ No ☒ — Take photos Yes ☐ No ☒
Obtain latent prints Yes ☐ No ☒ — Locate footprints Yes ☐ No ☒ — [illegible] evidence Yes ☐ No ☒ — Neighborhood check Yes ☐ No ☒
Alarm defeated Yes ☐ No ☒ — Safe attacked Yes ☐ No ☒ — Any investigative leads Yes ☐ No ☒ — Investigator called out Yes ☐ No ☒

40. DESCRIPTION OF PROPERTY STOLEN Est. Value - Entered into NCIC Yes ☐ No ☐ — Any recovery Yes ☐ No ☐

N/A

41. NARRATIVE* *summarize details and events - Refer to item number when appropriate. Page 2 of ___

AT APPROX 11:36PM THIS DATE, I WAS CALLED TO MISSOURI-PORTLAND REF A ROCK THROWING INCIDENT. UPON MY ARRIVAL, I MET WITH SECURITY GUARD ERNEST W. LANCASTER M/W DOB 02-03-57. HE STATED THAT AN UNKNOWN PERSON OR PERSONS "SHOT" A ROCK THROUGH A GLASS WINDOW OF GUARD HOUSE #2, LOCATED APPROX 75 YARDS SOUTH OF THE MAIN MISSOURI-PORTLAND ENTRANCE. NO ONE SAW WHO DID IT; ONLY THAT THEY FELT IT CAME FROM THE AREA WHERE STRIKERS ARE PRESENT. DAMAGE TO WINDOW SET AT APPROX $30.00.

I SPOKE TO A GROUP OF STRIKERS AT THE SHELTER HOUSE ON THE ROAD AND ALL DENIED KNOWING ANYTHING OF ANY INCIDENT.

42. Complaint No.	43. Assisting officer(s)	44. Date and time written
		10-26-89 11:58 PM

45. Signature of supervisor	46. Case status	47. (Investigative Only)
Date/Time	Unfounded ☐ Forward to Investigation ☒ Cleared by arrest ☐	Inv. Assigned ____ Date ____ How Cleared? ____ Date ____ Filed Open ☐ Closed ☐ Reopened Date ____

#25

COMPLAINT REPORT – MASSAC COUNTY SHERIFF'S DEPARTMENT

Case No. 002453 — Ronald D. Tucker, SHERIFF

OFFENSE CLASSIFICATION: (SHOOTING) CRIM. DAM. TO PROP. — **Reporting Officer:** Dep. John Stiles #15 (Signature) — Page 1 of ___

1. Date and time occurred, day of week	2. Location of occurrence ☐	3. Date/time reported to department
11-28-84 12:30 A.M. WED.	RT. 1 METROPOLIS (S-CURVES - TOPPA)	11-28-84 4:00 A.M.

4. Victim (firm name if business) ☐	race	sex	age	occupation	5. Home address (business address if firm)	6. Home phone	7. Business phone
ROBERT KING	W	M	53	(FARMLAND)	RT. 1 BOX 116A, METROPOLIS	543-7435	

8. Person reporting	(relationship to victim)	9. Home address	10. Home phone	11. Business phone
" "	" " "	" " "	" "	

12. Person who discovered crime	(relationship to victim)	13. Home address	14. Home phone	15. Business phone
" "	" " "	" " "	" "	

16. WITNESS(ES) Name - age - (relationship to victim) ☐	17. Home address	18. Home phone	19. Business phone
1. NONE	N/A	N/A	N/A
2.			
3			

20. Type of premises or location where offense was committed ☐	21. Name of subdivision/apartments/park/bus. center
RURAL	N/A

22. SUSPECT(S) Available description - if arrested full identification including booking - I.D. Nos. ☐	23. Arrested	24. Citation No.(s)
1.	Yes ☐ No ☐	
2. NONE	Yes ☐ No ☐	N/A
3	Yes ☐ No ☐	

25. Vehicle used by suspect(s) year - make - body type - color - license no. - any other identification ☐	26. Direction of travel from scene Unk. ☑
UNKNOWN	N ☐ S ☐ E ☐ W ☐ Auto ☐ Foot ☐ Other ☐

27. Injuries to person(s) Describe - use wound chart Yes ☐ No ☑ Hospital _____ Ambulance _____

28. Damage to property Describe - Est. value - Ownership ☐
BROKEN REAR WINDOW (PICK TRUCK) - $ 100.00 BULLET HOLE IN FRONT WINDOW, $ 100.00

29. Point where entrance was made ☐	30. Method used to gain entry ☐	
N/A	N/A	
31. Instrument used (describe) ☐	32. Where were occupants at time of offense	33. Weapon - force used against person ☐
N/A	HOME	NONE
34. Type property taken	35. Exact location of property when stolen - or location of victim if crime against person ☐	
N/A	N/A	
36. Apparent motive	37. Trademark of suspect(s) - Actions/conversation ☐	38. Victims activity at time of offense ☐
HARRASSMENT / VANDALISM	UNK.	SLEEPING

39. INVESTIGATIVE ACTION TAKEN: Int. V Yes ☑ No ☐ — Int. W Yes ☐ No ☑ — Int. S Yes ☐ No ☑ — Take photos Yes ☐ No ☑
Obtain latent prints Yes ☐ No ☑ — Locate footprints Yes ☐ No ☑ — Recover evidence Yes ☐ No ☑ — Neighborhood check Yes ☐ No ☑
Alarm defeated Yes ☐ No ☑ — Safe attacked Yes ☐ No ☑ — Any investigative leads Yes ☐ No ☑ — Investigator called out Yes ☐ No ☑

40. DESCRIPTION OF PROPERTY STOLEN Est. Value - Entered into NCIC Yes ☐ No ☑ — Any recovery Yes ☐ No ☐

NONE

41. NARRATIVE: Summarize details and events - Refer to item number when appropriate. Page 2 of ___

Victim stated that he was asleep on the morning of Wednesday, 11-28-84 at approximately 12:30 A.M. a neighbor of the victim heard a vehicle stop in the road, heard muffled voices and then a gunshot. The vehicle left after the gunshot and could not be identified. The victim went to his truck at approximately 9:45 A.M. and discovered that his pickup truck had been shot during the night. The back cab window had been shattered by a small caliber projectile, possibly a .22 hollow-point that also hit, but did not penetrate the front windshield. The area was searched for cartridges and for other clues but to no avail.

42. Complaint No. 002453 | 43. Assisting officer(s) | 44. Date and time written 11-28-84 2:05 P.M.

45. Signature of supervisor
Date/Time

46. Case status
Unfounded ☐ Forward to Investigation ☑
Cleared by arrest ☐

47. (Investigation Only)
Inv. Assigned _____ Date _____
How Cleared? _____ Date _____
Filed Open ☐ Closed ☐ Reopened Date _____

The CHAIRMAN. Go ahead and tell us about them. Identify the incidents.

Mr. MCINTYRE. These are all police reports. The first one is titled "Truck Damage by Striking Worker," "Criminal Damage to Property, a Truck Tire," "Criminal Damage to Property, Felony," "Purposeful Vandalism to an Item of Machinery," "Report of Shots Fired at Labor Dispute Site," "Report of Shots Fired at Labor Dispute Site," "Picket Throwing Rock at a Motor Vehicle," "Security Lights Shot Out and Electrical Cable Shot," "Broken Window at Guardhouse," "Broken Window of Pickup Truck."

The CHAIRMAN. Mr. Mitchell, I am going to send down to you four pictures that we have. Would you identify these for the record?

Mr. MITCHELL. Yes, sir, I can identify these pictures.

The two pictures on the top of the page are pictures of damage that was done to a conveyor belt on company property when someone attached a large pole by means of a clamp to the bottom of the conveyor belt. When the belt was turned on, it tore a hole through the middle of the conveyor belt. The total damage was approximately $100,000.

The picture in the lower left-hand corner——

The CHAIRMAN. Was that a bullet shot or what was that?

Mr. MITCHELL. I am sorry, what are you referring to?

The CHAIRMAN. What caused that damage to the conveyor belt?

Mr. MITCHELL. The damage to the conveyor belt?

The CHAIRMAN. Yes.

Mr. MITCHELL. This was caused by a piece of pipe which was fastened on the bottom of the conveyor belt so that the edge of the pipe actually touched the bottom of the conveyor belt, and when the belt was turned on, it tore a hole down the middle of the pipe.

The CHAIRMAN. I see.

Senator METZENBAUM. You have no evidence that the union was involved in that, do you?

Mr. MITCHELL. No, sir.

The CHAIRMAN. Go ahead.

Mr. MITCHELL. The picture in the bottom left of the page that I have been given shows a plate-glass window which has been broken out. This was vandalism which occurred at Lauderdale's Flower Shop. Lauderdale's was a business owned by one of the salaried employees at Missouri Portland Cement Co.

This vandalism occurred on the same evening that Kenny Kerr did the damage to the Commercial Transport truck in Joppa, IL. The owners of the flower shop had received several indications from striking employees that damage would be done to their shop and that their business would be hurt because of his constant working behind the picket line.

This was not the first such incident of damage which occurred, and it was not the last which occurred to them. This particular flower shop is now out of business, having been the victim of a union boycott.

In anticipation of the question——

Senator METZENBAUM. You have no evidence that the window was broken——

Mr. MITCHELL. Yes, there is no evidence linking that particular thing directly to any union member.

The final picture in the bottom right hand corner——

Senator METZENBAUM. One more question. You have no evidence of the union boycott, personally, either, do you? Isn't it just that the man who owned the flower shop told you that?

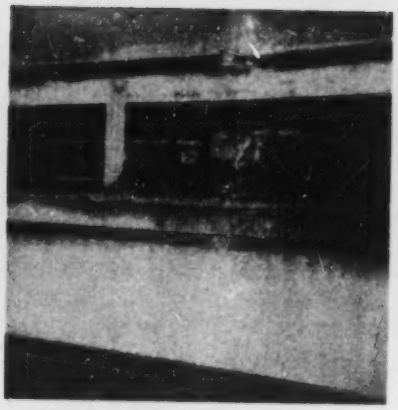
Mr. MITCHELL. Well, yes, sir. I mean, it is not my flower shop, and I was not personally told that the boycott occurred, but that is our information.

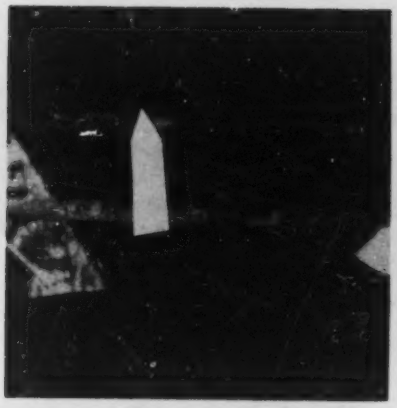
The picture on the bottom right of the page that I have been handed shows damage done. This is an interior shot of a van which was used by Security Resources in order to bring food into and out of the plant, that crossed the picket line on several occasions.

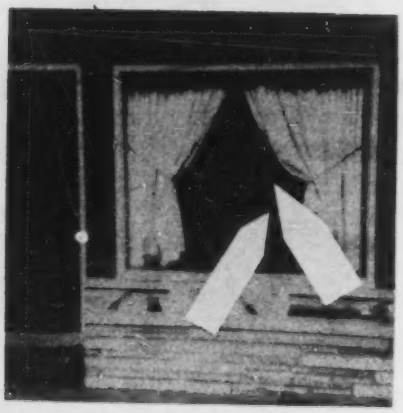
Frankly, sir, there have been several times that windshields have been broken on these Security Resources vehicles. Pictures were taken on each occasion, and I do not know for certain which incident this one refers to. Perhaps Mr. Ted Pugh, who owns Security Resources, would be a better source of information on identifying that picture.

The CHAIRMAN. We will put those 3 pictures in the record as the next numbered exhibit, McIntyre exhibit No. 27.

[McIntyre exhibit No. 27 follows:]







NOTE: The picture submitted for this slot was retained in the files of the Committee.

Senator METZENBAUM. Mr. Chairman, I am not going to object to their going into the record, and you certainly have a right to do that as the chairman.

The CHAIRMAN. For whatever value they are.

Senator METZENBAUM. But I want to point out that there is no evidence, according to this witness, that the union was responsible for these incidents, and therefore, I think, to infer that because they occurred during the strike period, they were responsible—and they very well may have been; I don't know—but he doesn't know, and we normally proceed as a court of law with regard to evidence——

The CHAIRMAN. Sure. Other than his hearsay testimony on the flower shop, that is a correct statement. And that is hearsay; that would not be admissible in a court of law. But I presume we could call the flower shop owner and have him make a direct testimony.

Mr. McIntyre, there are a few other items that I would like to cover with you.

Is it true that one of your security guards actually dressed up like a member of the Ku Klux Klan in order to harass the pickets?

Mr. MCINTYRE. Yes, sir, that is true.

The CHAIRMAN. Tell us about that.

Mr. MCINTYRE. Four of our security guards got together one evening and planned or decided upon this prank—rather stupidly, in our opinion. One of them was in fact himself black. One of the individuals, a Mike Souders, I think his name was, put a sheet over his head and carried a torch for a short period of time.

The CHAIRMAN. Without objection, we will put as the next exhibit, McIntyre exhibit No. 28, the documents reciting that, including the bail bond for appearance of defendant. The defendant in this case was cited for disorderly conduct.

[McIntyre exhibit No. 28 follows:]

MASSAC COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS
v.
MICHAEL R. SAWYERS (Defendant)

No.

McINTYRE #28

BAIL BOND FOR APPEARANCE OF DEFENDANT WITH DEPOSIT OF CASH BAIL SECURITY

The undersigned defendant, being charged with the offense of

DISORDERLY CONDUCT

and now being admitted to bail, acknowledge the undersigned principal and surety and that

HE

is indebted to THE PEOPLE OF THE STATE OF ILLINOIS in the penal sum of $ $50.00, to be levied upon HIS property, of whatever kind and wherever situated, and undertakes the following as conditions of HIS bail:

(1) that said defendant shall appear in the Circuit Court of the FIRST Judicial Circuit, MASSAC County, Illinois and any of the divisions thereof as required, on JULY 17, 1984, to answer said charge, and appear thereafter as ordered by said court until discharged or until final order of the court.

(2) that said defendant shall submit HIMSELF to the orders and process of said court;
(3) that said defendant shall not depart this State without leave of court.
(4) that said defendant shall not violate any criminal statute of any jurisdiction.

As security for the compliance with the conditions of bail above set forth, said defendant deposits the sum of $ $50.00 in cash with the Clerk of this Court, which sum is ~~equal to 10% of~~ the amount of bail set in this cause for the appearance of said defendant.

If said defendant shall comply with the conditions of his bail above set forth, this recognizance shall become null and void and said defendant shall be entitled to the return of 90% of said deposit, the remaining 10% of said deposit to be retained by the Clerk of this Court as bail bond costs; provided, however, that in the event a judgment is entered against said defendant for a fine and/or court costs, the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of said fine and/or court costs. If said defendant shall fail to comply with said conditions of his bail, this bail bond shall remain in full force and effect and said defendant shall be liable for forfeiture thereon.

EXECUTED on JULY 10, 1984.

X [signature] (Principal)

X 6125 Cl Pendarvis (Principal's Address)

Deputy [signature] #13 (Surety)

X 935 S. Elm (Surety's Address)

TAKEN before me on JULY 10, 1984.

(Name)

(Title)

The undersigned Clerk of this Court acknowledges receipt of the sum of $ _____, being the cash bail security deposited by the defendant herein as indicated in the within bail bond, which deposit shall be held by said Clerk as provided by law.

Dated _____, 19____.

(Clerk of the Circuit Court)

(NOTE: Defendant shall give written notice to the Clerk of the Circuit Court of any change in his address within 24 hours after such

DATE 10 July 1984 PLACE _____ TIME STARTED _____

I, the undersigned, Mark A. Lynch, am 21 years of age, my date of

birth being the 25 day of June, in 63, and

now live at 7002 Ethan Allen Way Louisville, Ky 40.

Before answering any questions or making any statements, DEPUTY MICHAEL SCOTT

a person who identified himself as a MASSAC COUNTY SHERIFF'S DEPUTY

duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority, before or at any time during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

On July 10, 1984 I was sitting in the front Van which is my guard post. I noticed a flickering light. At that time I did not know what it was until I realized later that it was a fire on a torch. My supervisor of my post Ron Molden asked for someone to bring a fire extinguisher to put fire out with. After it was done so, My supervisor Mike Sanders and another security officer named David Schuelte had me file a false report saying that I started the fire to drive mosquitos away. I want to make a point, that I did not know anything of which what they were doing.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also believe that I was not told or prompted what to say in this statement.

This statement was completed at _____ ___ M. on the _____ day of _____, 19 ___.

WITNESS: _____

_____
Signature of person giving voluntary statement

WITNESS: _____

TROUBLESHOOTER'S

835 West Jefferson
Suite 100
Louisville, Kentucky 40202
(502) 584-2376

SECURITY INCIDENT REPORT

NATURE OF REPORT Fire At Front VAN DATE 6-10-84

TIME INCIDENT OCCURED 0:200AM TIME OF REPORT 0215

LOCATION OF INCIDENT FRont VAN

WHEN PREPARING THIS REPORT, ANSWER THE FOLLOWING QUESTIONS, (1) What happened? (2) To whom or what? (3) How it happened? (4) Why it happened? (5) What did you do? (6) To whom did you report it?

I, MICHAOL GARRARD SAW A Fire At THe FRont VAN. WHen I APPROACHed THe VeHicle I Found MARK Lynch BURNing RAGS to keep THe MOSQUITOES AWAY. MR. LYNCH WAS TOLD To put out THE FIRe And Counseled on THe REASONS FOR not STARTing FiRes ON OR NEAR THe GATe. THIS is to be A VERBAL WARNing.

Mark A. Lynch
405-98-8080

WITNESS: NAME(S) [illegible]

[illegible]
SECURITY OFFICER'S SIGNATURE

NOTE: This report is to be used to document any unusual incidents, fire, spill, property damage, trespassing, serious injury or potential safety or fire hazard.

DATE 10 July 1984 PLACE Sec. Control Room TIME STARTED 0426

I, the undersigned RONALD L. MOLDEN, age 27 years of age, my date of

birth being the 1 day of APRIL 19 57 at TIPTON, INDIANA

now live at 7418 DUNKIRK LN LOUISVILLE, KY 40272

Before answering any questions or making any statements, DEPUTY MICHAEL SCOTT

a person who identified himself as a NASSAU COUNTY SHERIFF'S DEPUTY

duly warned and advised me, and I know and understood that I have the following rights: That I have the right to remain silent and I do not have to answer questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statements are made; also that I have the right to consult with a lawyer of my own choice before or at any time during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority, before or at any time during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

On 10 July 84, at approximately 0125 hrs, I was called to the CONtroll Room. As I entered the Contral Room DAVE Schluter AND Mike Sowders both ASK ME if I WANTED to be in ON the strategy planning OR something to that effect I replied yes, what ARE WE going to do. At the time they (DAVE AND MIKES.) EXPLAINED the plan OF planning joking With the strikers AT the Front GATE, by HAVING Mike SOWDERS dress up like A KKK MEMBER. Mike S. AND DAVES. then PROCEEDED to MAKE the COSTUME. DAVES. AND myself WENT to FIND A ROPE FOR A belt FOR the COSTUME. At that time DAVE ASK ME if I could BREAK OFF A tree BRANCH. I SAID YES, WE then PROCEEDED to WRAP A towel AROUND the stick AND put the GASOLINE ON it. THEN DAVES. AND Myself WENT BACK to the CONtroll room. I then took Mike AND drove him up to the FRONT GATE AREA WHERE he put ON the COSTUME AND lighted the torch. HE PROCEEDED to the FRONT GATE AND stood THERE UNTIL WE (DAVES. Mike GARRARD AND myself) ARRIVED I then put FIRE OUT. AND CONTINUED

I have read each page of this statement consisting of 2 pages, each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or promised what to say in this statement.

This statement was completed at 0515 AM on the 10th day of July, 19 84

WITNESS: Dep J. D Harabaja #14

WITNESS: _____

Ronald L Molden

Signature of person giving voluntary statement

(CONTINUATION OF VOLUNTARY STATEMENT)
ON with my duties. When the
Sheriffs Dept. arrived we could not
immediately let them in due to
me losing the keys to the gate.
I do not know about the false
statement to the Deputy until
told so by Mike Sowders. I did
look for the keys, but failed to
find them. We then cut the
lock to the gate and let the Sheriff
Deputy in. I went along with this
thinking it to be a joke and due
to an incident that had occured
At the front gate on July 7th, 1984,
to myself and another security
guard. To my knowledge the joke
was set up by Mike Sowders and
the cover up also by Mike Sowde

DATE [illegible] PLACE MASSAC COUNTY S/O TIME STARTED [illegible]

I, the undersigned, Michael R. Sowders, ... am 24 years of age, my date of

birth being the 26 day of March, 19 55, at Louisville Ky 40215

now live at 8125 St Andrews church Rd.

before answering any questions or making any statements, Deputy Michael Scott

a person who identified himself as a MASSAC County Sheriff's Deputy

duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is being taken; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority, before or at any time during any questioning or statements that I make, without cost or expense to me, that I can stop answering any questions or making any statements at any time I choose; and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate my interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

I Michael Sowders was ~~in~~ involved in this Made of a Joke Against the Pickets But I was not the only one that was involved. It was Ron Bowden & Mike Gearhart & David A Schlueter This Ideal of a Joke and all of our Ideal But I was the one that wore the Sheet But I did not wear the Hood. By the way David is that de-sig the Costume. AND David was the one that got the torch and soaked it gas. Be cause he ~~[illegible]~~ Sperate gas In the Black Pontiac. By the way Mark Lynch did not have any thing To do with His But we Lied about the Repoart But by every body elses Repoart was done They all had me at fau

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 6 11 a .M. on the 8th day of July 10 19 81

WITNESS: Dep Michael Scott

WITNESS: Dep J. D. Hawkins #14

Michael R Sowders

Signature of the person giving voluntary statement

(COMPLAINT - COURT RECORD COPY)

NON-TRAFFIC COMPLAINT AND NOTICE TO APPEAR

MASSAC COUNTY POLICE DEPARTMENT

STATE OF ILLINOIS
COUNTY OF MASSAC ss.
CITY OF

No. 6453

IN THE CIRCUIT COURT OF THE
FIRST JUDICIAL CIRCUIT
MASSAC COUNTY, ILLINOIS

The undersigned says that:

ON JULY 10, 1984 AT A.M.

NAME SAUNDERS (LAST) MICHAEL (FIRST) RAY (MIDDLE)

ADDRESS 8125 ST. ANDREWS (STREET) LOUISVILLE (CITY), KY. (STATE)

PHONE NO. (502) 935-5286 (STREET) BIRTHDAY 03-25-55

DID IN ILLINOIS

IN MASSAC COUNTY, STATE OF ILLINOIS, UNLAWFULLY COMMIT THE FOLLOWING OFFENSES: DISORDERLY CONDUCT

(DESCRIBE) DID KNOWINGLY, WHILE EMPLOYED AS A SECURITY SUPERVISOR AT MISSOURI-PORTLAND DRESS UP IN A WHITE SHEET WITH A BURNING TORCH, AND ACTED IN SUCH A MANNER IN FRONT OF STRIKERS AS TO CAUSE AN IMMEDIATE BREACH OF THE PEACE

IN VIOLATION OF SECTION 26-1-1 CHAPTER 38

OF THE X ILLINOIS REVISED STATUTES ORDINANCE OF SAID MUNICIPALITY.

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW AND AGAINST THE PEACE AND DIGNITY OF THE PEOPLE OF THE STATE OF ILLINOIS.

DATED JULY 10, 1984

Signed and sworn to before me _____, 19____

Dep. Michael Scott
(Signature and Identification of Officer or other Complainant)

_____
Clerk

YOU ARE DIRECTED TO REPORT TO THE ABOVE NAMED COURT MASSAC COUNTY ILLINOIS
ON JULY 17, 1984, AT 10:00 A.M.

NOTICE: THE COURT WILL ISSUE A WARRANT FOR THE ARREST OF ANY DEFENDANT WHO HAS FAILED TO APPEAR TO ANSWER AN ARREST TICKET DULY SERVED UPON HIM AND UPON WHICH A COMPLAINT HAS BEEN FILED.

The CHAIRMAN. Did the company condone that kind of activity, you or anybody affiliated with the company or any agent, servant, workman, or employee of the company, other than these four who were involved in that?

Mr. MCINTYRE. No, sir. We in fact terminated that employee, and we in fact terminated the entire security group that he was hired with, some 65.

The CHAIRMAN. You actually fired 65 security personnel as a result of that incident?

Mr. MCINTYRE. That is correct, and other things but that precipitated it.

The CHAIRMAN. And for other things. You say. "And for other things." What are the other things?

Mr. MCINTYRE. Well, we had numerous operational difficulties with that particular group that we had hired for security services, and this particular incident just seemed to cap off our frustrations with them. We would have terminated the individual regardless, but we took that opportunity to get rid of the security force at the same time.

The CHAIRMAN. I see. What is your company's policy with regard to the possession of firearms?

Mr. MCINTYRE. We do not encourage the possession of firearms on our property—I assume that is what you mean—on your premises.

The CHAIRMAN. That is right.

Mr. MCINTYRE. We certainly do not encourage, and we do not condone, having weapons on our property.

The CHAIRMAN. On January 16, 1985, I believe one of your employees was arrested for carrying a machine pistol with a clip of hollow-point bullets in the company van. Is that true?

Mr. MCINTYRE. Yes, sir. However, I am not as knowledgeable about that as our plant manager, Mel Brekhus, is, and with your acceptance, I would like to defer to him.

The CHAIRMAN. We would be happy to have him testify.

Mr. BREKHUS. Yes, sir. In answer to your question, that is correct.

The CHAIRMAN. We will put into the record at this point the complaint report of the Massac County Sheriff's Department, McIntyre exhibit No. 29.

[McIntyre exhibit No. 29 follows:]

Mc INTYRE #29

COMPLAINT REPORT – MASSAC COUNTY SHERIFF'S DEPARTMENT

Case No. 002487 Robert Butler, SHERIFF

OFFENSE CLASSIFICATION: Unlawful Use of Weapons **Reporting Officer:** Dep J. D. Haverkamp #14 (Signature) Page 1 of ___

1. Date and time occurred, day of week: 01-16-85 Approx 8:45 AM Wed	2. Location of occurrence: U.S. 45 Metropolis	3. Date/time reported to department: 01-16-85 8:45 AM
4. Victim (firm name if business) race sex age occupation: Dep J D Haverkamp W M 25 Dep Sheriff	5. Home address (business address if firm): R#1 Metropolis	6. Home phone: 543-9488 / 7. Business phone: 524-2912
8. Person reporting (relationship to victim): SAME AS ABOVE	9. Home address: SAME AS ABOVE	10. Home phone: " / 11. Business phone: "
12. Person who discovered crime (relationship to victim): SAME AS ABOVE	13. Home address: SAME AS ABOVE	14. Home phone: " / 15. Business phone: "
16. WITNESS(ES) Name - age - (relationship to victim): 1. Robert Butler 2. 3.	17. Home address: Brookport, IL.	18. Home phone: / 19. Business phone: 524-2918

20. Type of premises or location where offense was committed: U.S. 45 Hwy in Metropolis

21. Name of subdivision/apartments/park/bus. center: N/A

22. SUSPECT(S) Available description - If arrested full identification including booking - I.D. Nos.:
1. Walter E. Barton III m/w DOB 06-29-65
2.
3.

23. Arrested: 1. Yes X No ☐ 2. Yes ☐ No ☐ 3. Yes ☐ No ☐

24. Citation No.(s): 1. 2. 3.

25. Vehicle used by suspect(s) year - make - body type - color - license no. - any other identification: 78 Ford VAN BLUE Lic# ZCR 825 Tenn No.

26. Direction of travel from scene: Unk. ☐ N ☐ S X E ☐ W ☐ Auto ☐ Foot ☐ Other ☐

27. Injuries to person(s) Describe - use wound chart Yes ☐ No ☐ Hospital _____ Ambulance _____: N/A

28. Damage to property Describe - Est. value - Ownership ☐: N/A

29. Point where entrance was made ☐: N/A	30. Method used to gain entry ☐: N/A	
31. Instrument used (describe) ☐: N/A	32. Where were occupants at time of offense: N/A	33. Weapon - force used against person ☐: 9 mm
34. Type property taken: N/A	35. Exact location of property when stolen - or location of victim if crime against person ☐: N/A	
36. Apparent motive: UNK	37. Trademark of suspect(s) - Actions/conversation ☐: UNK	38. Victims activity at time of offense ☐: Routine

39. INVESTIGATIVE ACTION TAKEN: Int. V Yes ☐ No X Int. W Yes ☐ No X Int. S Yes X No ☐ Take photos Yes X No ☐
Obtain latent prints Yes ☐ No X Locate footprints Yes ☐ No X Recover evidence Yes ☐ No X Neighborhood check Yes ☐ No X
Alarm defeated Yes ☐ No X Safe attacked Yes ☐ No X Any investigative leads Yes ☐ No X Investigator called out Yes ☐ No X

40. DESCRIPTION OF PROPERTY STOLEN Est. Value - Entered into NCIC Yes ☐ No ☐ Any recovery Yes ☐ No ☐

N/A no property Stolen

151

41. NARRATIVE ummarize details and events - Refer to item number when appropriate.

On 01-16-85 at Approx. 8:30 AM Sheriff Butler and myself were on a Routine patrol down U.S. 45 near the Joppa Rd. We observed a BLUE Ford VAN with Missouri Lic. ZCR 825. We followed the VAN and ran a 10-28 on the plate. The information came back Expired out of Missouri. We then stopped the VAN on Rt. US. 45 just inside the Metropolis City limits. We met with the driver of the VAN (Carol Ann Gautney, F/W, 12-10-55). While we were talking to ms Gautney I noticed what looked like a semi automatic weapon clip lying in the first bench seat of the VAN. We then asked the occupants of the VAN to get out one at a time. There was a red Knapsack lying on the floor of the VAN. The Sheriff asked who owned it. One of the occupants of the VAN, a Walter E. Barton III stated that it was his. Sheriff then asked the Barton subject if he could look in the Knapsack. Mr. Barton stated that he didn't care. We found a Model M 11/9mm, S.W.D INCORPORATED, Serial # 83-0000046 weapon in his Knapsack. We then placed mr Barton under Arrest and advised The driver and the occupants of the VAN to follow Us to the S/O. We Arrived at the S/O and went down to the office. We checked the subjects to see if they were wanted. Tpr. Goss Advised Mr Smith and Ms Gautney of their rights at 0900 am. Each subject filled out a voluntary Statement on this incident.

The driver (Carol Ann Gautney) signed a "consent to Search" form for the VAN. Tpr. Goss and myself went out to search the VAN. We found no other weapons

45. Complaint No.

43. Assisting officer(s) Sheriff Butler, Sgt. Goss, Dep. Steele

44. Date and time written 01-16-85 1:40 PM

46. Signature of supervisor

Date/Time

46. Case status
Unfounded ☐ Forward to investigation ☐
Cleared by arrest ☐

47. (Investigation Only)
Inv. Assigned _____ Date _____
How Cleared? _____ Date _____
Filed Open ☐ Closed ☐ Reopened Date _____

The CHAIRMAN. As I understand it, he was arrested and fined, what, $500?

Mr. BREKHUS. Yes, he was.

The CHAIRMAN. Why was Mr. Barton not fired immediately, the fellow who did this?

Mr. BREKHUS. Well, based on the circumstances surrounding what happened to Mr. Barton, we decided not to terminate him. Those circumstances, I think, are important enough for me to discuss.

First of all, Mr. Barton was a member riding in the van on November 4.

The CHAIRMAN. A member? Do you mean an employee?

Mr. BREKHUS. An employee, a replacement worker, riding in the van on November 4.

The CHAIRMAN. I take it he was a replacement nonunion employee riding in the van; is that correct?

Mr. BREKHUS. Correct. He was riding in the van on November 4 which Mr. McIntyre mentioned earlier was shot into some eight times. That, in itself, makes you a little bit sympathetic toward him because he was not only riding in that van, but also he had glass showered on him when the van was shot into, and in fact he had glass penetrate one of his eyes, and he missed a considerable amount of work because of that.

Furthermore, Mr. Barton brought this gun into the plant and showed it off to fellow workers, including strikers whom we have recalled and are currently working in the plant. He in no way acted as though he was going to use this gun. He never brandished the gun. The gun was not loaded. The clip and the gun were separate and apart when the police took the gun and the clip from him when he exited the plant.

He, as you mentioned, was fined $500. He was put on 6 months' probation. We felt that, based on all of these circumstances, and including our verbal reprimand, that was sufficient punishment and that the annals of arbitration are full enough with complaints of companies that don't show any compassion.

The CHAIRMAN. So you felt that he had gone through enough?

Mr. BREKHUS. We thought he had gone through enough, and we felt that the industrial death penalty of termination would not be fair.

The CHAIRMAN. Now, my staff has had queries from newspaper reporters regarding union allegations that company personnel shot up a union member's sign early on New Year's morning. Do you folks have any knowledge of that incident?

Mr. MCINTYRE. Yes; we do.

The CHAIRMAN. Tell us about that.

First, let me put McIntyre exhibit No. 30 into the record. It happens to be a complaint report, Massac County Sheriff's Department.

But go ahead and tell us.

Mr. MCINTYRE. Is that relative to——

The CHAIRMAN. I think that is relative to this incident.

Mr. MCINTYRE [continuing]. The Bob King incident?

The CHAIRMAN. Yes, I am informed by staff that it is.

[McIntyre exhibit No. 30 follows:]

COMPLAINT REPORT — MASSAC COUNTY SHERIFF'S DEPARTMENT

BOB BUTLER, SHERIFF

McINTYRE #30

Case No. 002480

Page 1 of 2

OFFENSE CLASSIFICATION: SHOOTING

Reporting Officer: DEP. John Steele #12 (Signature)

1. Date and time occurred, day of week	2. Location of occurrence ☐	3. Date/time reported to department
01-01-85 12:30 A.M. TUE.	RT. 1 METROPOLIS (S. CURVES, JOPPA)	01-01-85 12:40 A.M.

4. Victim (firm name if business) ☐	race	sex	age	occupation	5. Home address (business address if firm)	6. Home phone	7. Business phone
ROBERT KING	W	M	53	(PORTLAND)	RT. 1 BOX 110A, METROPOLIS	543-9435	N/A
8. Person reporting (relationship to victim)					9. Home address	10. Home phone	11. Business phone
ROBERT KING					" " "		N/A
12. Person who discovered crime (relationship to victim)					13. Home address	14. Home phone	15. Business phone
SEE ITEM #16							N/A

16. WITNESS(ES) Name - age - (relationship to victim) ☐	17. Home address	18. Home phone	19. Business phone
1. BILL WATERS 62 NEIGHBOR	RT. 1 METROPOLIS	543-7483	N/A
2. VELMA WATERS 53 NEIGHBOR	RT. 1 METROPOLIS	543-7483	N/A
3. ALLEN BROWN 36 ACQUAINTANCE	RT. 1 METROPOLIS	543-9435	

20. Type of premises or location where offense was committed ☐	21. Name of subdivision/apartments/park/bus. center
RURAL CO. ROAD / YARD OF SINGLE FAMILY DWELLING	N/A

22. SUSPECT(S) Available description - if arrested full identification including booking - I.D. Nos. ☐	23. Arrested	24. Citation No.(s)
1. NONE	Yes ☐ No ☒	
2.	Yes ☐ No ☐	
3.	Yes ☐ No ☐	

25. Vehicle used by suspect(s) year - make - body type - color - license no. - any other identification ☐	26. Direction of travel from scene: Unk. ☐
DARK BLUE/BLACK NEWER MODEL VAN	N ☐ S ☐ E ☒ W ☐ Auto ☒ Foot ☐ Other ☐

27. Injuries to person(s) Describe - use wound chart Yes ☐ No ☒ Hospital NONE Ambulance

28. Damage to property Describe - Est. value - Ownership ☐ NONE

29. Point where entrance was made ☐	30. Method used to gain entry ☐	
N/A	N/A	
31. Instrument used (describe) ☐	32. Where were occupants at time of offense	33. Weapon - force used against person ☐
FIREARM	INSIDE DWELLING	NONE
34. Type property taken	35. Exact location of property when stolen - or location of victim if crime against person ☐	
NONE	N/A	
36. Apparent motive	37. Trademark of suspect(s) - Actions/conversation ☐	38. Victims activity at time of offense ☐
HARRASSMENT / INTIM.	UNK.	UNK.

39. INVESTIGATIVE ACTION TAKEN: Int. V Yes ☒ No ☐ Int. W Yes ☒ No ☐ Int. S Yes ☐ No ☒ Take photos Yes ☐ No ☒
Obtain latent prints Yes ☐ No ☒ Locate footprints Yes ☐ No ☒ Recover evidence Yes ☒ No ☐ Neighborhood check Yes ☒ No ☐
Alarm defeated Yes ☐ No ☒ Safe attacked Yes ☐ No ☒ Any investigative leads Yes ☒ No ☐ Investigator called out Yes ☐ No ☒

40. DESCRIPTION OF PROPERTY STOLEN Est. Value - Entered into NCIC Yes ☐ No ☒ Any recovery Yes ☐ No ☐

NO PROPERTY STOLEN.

154

41. NARRATIVE: Summarize details and events - Refer to item number when appropriate. Sheriff's Dept. notified approx. 12:40 A.M. 01-01-85 that 3-4 shots had been fired at or in the close proximity of the Robert King residence, item #2. S.O. notified by witness, Mrs. Waters who stated that she and her husband were standing on their porch, across the road from the King residence at 12:30 A.M. when a dark blue or black van, heading toward U.S. 45 stopped in the road and fired three or four shots in the direction of the King residence and then drove off at a moderate rate of speed, heading in the direction of U.S. 45. Sheriff Butler and Chief Deputy Steele received radio call of the incident and headed for the Scipio Road. We met a dark blue, newer van while on the Choate Road but had been told by Mrs. Waters that the vehicle was a station wagon. She corrected this and we were told it was a van. We turned around and headed for the Choate Road where we had seen the blue van but by this time were unable to locate it. We patrolled the Scipio and Mermet Arbra but were unable to locate the blue van. We went to the King residence and interviewed the victims and came back during the day to look for any empty shell casing / evidences finding three dug out places in the earth and one bullet where it had hit the iron legs of a sign in the victims yard, spent itself and fallen into the grass at the base of the sign. Preliminary opinion that the bullet is a .38 Revolver.

42. Complaint No. 002480

43. Assisting officer(s) SHERIFF BOB BUTLER

44. Date and time written 01-01-85 1:00 P.M.

45. Signature of supervisor

Date/Time

46. Case status
Unfounded ☐ Forward to investigation ☑
Cleared by arrest ☐

47. (Investigation Only)
Inv. Assigned _____ Date _____
How Cleared? _____ Date _____
Filed Open ☐ Closed ☐ Reopened Date _____

Mr. McINTYRE. Bob King is an employee of Missouri Portland Cement Co. He was one of the employees who went on strike June 15 and temporarily was displaced by the replacement workers that we hired.

Subsequently, we did have vacancies, and Bob King's seniority entitled him to one of those vacancies, and he did in fact return to work prior to these shootings.

In one case, the rear window of his pickup truck was shot out, and in another case, several shots—the number not really known—were fired in the general vicinity of his home. Those shots, as I understand, were found to have been shot into the ground in the general area of a barn on his property, not aimed at his home, and one of the shots hit the leg of a sign that he had in his yard that said, at one point, "Support Local 438" and some other union-related things.

The CHAIRMAN. Other than these three incidents that I have mentioned, has the union accused the company, or anybody affiliated with the company as an agent, servant, workman, or employee, of any other incidents or any other company violence against the union, to your knowledge?

Mr. McINTYRE. Well, there have been some minor incidents that they have brought out during the course of bargaining about replacement employees driving recklessly in the area of the picket line and where they have their tent area, or their little house now, and that replacement employees had been guilty of trying to run into them or run their trucks off the road, and that they were abusive and such other things as that. But otherwise, no.

The CHAIRMAN. Are there any other documents or other exhibits that you folks would care to put into the record at this time that might help us here on the committee to understand this better?

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. Go ahead. If you would just describe what they are briefly, we can put those into the record as succeeding exhibits.

Mr. McINTYRE. These are all police reports, and I will just highlight the subject matter of them.

"Driver of cycle was struck in face by unknown striker." The 100 pounds of dynamite that was supposedly going to be used in the plant to blow up the plant.

Senator METZENBAUM. What is it that you are describing, a police report or a——

Mr. McINTYRE. These are police reports; yes, sir.

Senator METZENBAUM. These are reports of somebody filing a claim, is that it, the company filing a claim? Just explain. I am just not clear what they are.

Mr. McINTYRE. These are police reports of incidents that might have been reported by the company, probably largely are——

Senator METZENBAUM. These are reported by the company?

Mr. McINTYRE [continuing]. Incidents that we solicited aid from local authorities, and this is the report either from the local sheriff or from the State police, as the case may be.

The CHAIRMAN. We will call them McIntyre exhibits Nos. 31, 32, 33, 34, and 35.

[Note: McIntyre exhibits Nos. 31–35 were retained in the files of the committee.]

Mr. McINTYRE. This is the incident in which Randy Woods threw the caustic liquid on the guards that were sitting in the company van.

Senator METZENBAUM. That was the company's allegation. There was no determination of that by a court, was there?

Mr. LANG. There has been in a contempt proceeding.

Mr. McINTYRE. Not in a criminal court, no, sir, but the individual was found guilty of contempt of the citation of temporary restraining order.

Senator METZENBAUM. Contempt, but not a police violation.

Mr. McINTYRE. No, sir; he was not arrested.

Senator METZENBAUM. I think the record should be clear, Mr. Chairman. I have no objection to his handing the whole pile of material in, but those are reports of claims that have been made by the company to the police department, but that doesn't necessarily make them factual.

The CHAIRMAN. Let the record so show, and I presume that you are offering them as evidence that you made the complaints, and as part of your continuing argument that the police ignored your complaints. Is that correct?

Mr. LANG. That is very correct. As Senator Metzenbaum observes, the core difficulty with the situation is precisely the point he raises, and that is that the police authorities and the prosecuting authorities both at the local and at the State level simply are not pursuing law enforcement and are not prosecuting.

Senator METZENBAUM. We will get to that.

The CHAIRMAN. Go ahead.

Mr. McINTYRE. This is a report involving James Shrum, who was the individual that——

Senator METZENBAUM. Mr. Chairman, they speak for themselves. Let him hand the whole pile in, and let's get on to some questions.

The CHAIRMAN. No; let him list them so that we know what they are. You may want to ask questions about individual reports; I don't know.

Senator METZENBAUM. You know, I have been engaged in filibusters. This seems like one. [Laughter.]

The CHAIRMAN. Well, that isn't the way I view it.

Senator METZENBAUM. Let's get rolling.

The CHAIRMAN. I think that these people have a right to testify, and we will hope the union will have that right, too. We would love to see them come in and explain all of this.

Mr. McINTYRE. This is the report on the James Shrum incident. He was the individual that had a private plane of his own and used it to buzz the plant and threw nails and other such debris out at times. It is more than just a police report; there is some FAA stuff involved.

What is this last one, Mike? This is some information relative to a published union document which describes their support of Joe Jackson for reelection.

In addition to that, we had another problem relative to intimidation in which a contract employee of ours running a barge crane used to unload materials that were barged up the Ohio River suffered some serious intimidation to himself and his family, a guy by the name of Rich Cotter.

Again, if you would allow, I would like for the plant manager to talk for a minute or so about that.

The CHAIRMAN. Go ahead.

Mr. BREKHUS. As briefly as possible, I would like to explain to you one of the sad realities of what harassment and intimidation and coercion can do to individuals and their businesses.

Mr. Rick Cotter, prior to our labor dispute, was a contractor for us. He unloaded raw materials for us at our dock on the Ohio River. After the strike occurred, Rick Cotter was constantly and consistently threatened, primarily over the telephone, that he was to cease and desist working for the Missouri Portland Cement Co. His wife received phone calls; he received phone calls.

He continued to try to work for the company, even though it was very trying to him and to his family.

Senator METZENBAUM. You don't know that he received the phone calls. He told you that, and he told you about his wife, didn't he?

Mr. BREKHUS. Yes; and he also told the members in the injunctive hearing.

Senator METZENBAUM. So that what we have is just some hearsay that he told you.

The CHAIRMAN. Let him finish.

Mr. BREKHUS. It is hearsay that I heard in court; sir, yes.

To go on——

The CHAIRMAN. Well, first, did you state this in a court proceeding where there is a transcript?

Mr. BREKHUS. Yes; an injunctive court proceeding.

The CHAIRMAN. Did he state it as well?

Mr. BREKHUS. Yes; he did.

The CHAIRMAN. So it may be hearsay, but it is part of a public record.

Mr. BREKHUS. Correct.

Senator METZENBAUM. That doesn't make it evidence. It makes it evidence, but not factual.

The CHAIRMAN. Well, we are not a court of law, Howard. We are just trying to bring out the facts.

Senator METZENBAUM. Let's get rolling.

The CHAIRMAN. You can check those records. I will be glad to get them for you.

Go ahead.

Mr. BREKHUS. He continued to try to work for us, but ultimately, the intimidation reached the level that not only was he affected, not only was he threatened, not only was his immediate family threatened, but his entire family was threatened because his entire family is involved in a business in the metropolis area, Cotter Ready-Mix.

The harassment continued until it developed into a boycott of his father's business, at which time Rick Cotter called me and told me that he could no longer work for me, and he couldn't do that because he couldn't see his father's business ruined over this whole affair.

The CHAIRMAN. Senator Metzenbaum, we will turn to you.

Senator METZENBAUM. Mr. Chairman. let me point out, as I earlier indicated, that I am concerned about the manner in which the hearing has been conducted.

I have a letter here from the union which I will ask be made a part of the record.

The CHAIRMAN. Without objection—is that the same that I have already put in?

Senator METZENBAUM. Yes; but I want to point out that they say in it that we were——

The CHAIRMAN. Well, we will put it in twice, then, just so we can be superfair to you, Senator Metzenbaum.

Senator METZENBAUM. That is all right.

The CHAIRMAN. That will be McIntyre exhibit No. 36.

[McIntyre exhibit No. 36 follows:]

McINTYRE #36

Cement, Lime, Gypsum and Allied Workers Division
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS

TEMPORARY DIVISION OFFICE • 2500 BRICKYALE DRIVE • ELK GROVE VILLAGE, IL 60007 • 312/595-5171

RICHARD A. NORTHRIP
International Vice President
HENRY W. SECHTHOLDT
Division Director

THOMAS W. (CED) RICE
International Representative
10087 Bellefontaine Rd. Suite
St. Louis, MO 63137
(314) 868-8400

FEB 25 1985

Senator Paul Simon
United States Senate
Dirksen Senate Office Building
Room 462
Washington, D.C. 20510

Dear Senator Simon:

The members of Local 438 in and around Joppa, Illinois extend our appreciation for your interest and concern these past months over the Missouri Portland Cement Company labor dispute. The Senate Committee on Labor and Human Resources, of which you are a member, has now scheduled a hearing on the matter for February 27, 1985. We were initially advised by Senator Hatch's staff that of the total hearing time of some four-and-a-half hours on Wednesday, because of the schedule of Company witnesses the Union would be limited to approximately 15 minutes to present its views. This time for our testimony was later extended, but we could not be guaranteed as much as an hour. We have today learned of the probability of a second hearing day at which the Union can present its account.

At the outset, we reaffirm that we do not approve of, condone or encourage violence. In fact, we have actively discouraged it.

Until we are given the opportunity to appear and be fully heard, we would greatly appreciate your advising the other members of the Committee of our position on the following items involved in the proceeding:

1. We are a small local union with limited financial resources representing some 115 members at the Joppa, Illinois plant. Until Missouri Portland Cement was bought out by H.K. Porter, and until the Company imported a team of highly paid outside "consultants," involved in breaking unions, there was a history of peaceful, productive and harmonious labor relations. Since the arrival of the consultants, no one has "won" but the consultants, and the Company has spent many millions of dollars simply to avoid renewing a labor contract with 115 people.

2. As to the hearings for Wednesday, February 27th, the public should expect to hear a contrived, carefully rehearsed script of a play written by the Company over a year ago. The Union members have been solid and resolute in their strike since June 1984. The Company obviously sees as its only chance of any success, a false campaign to discredit our union and it is spending more time sending out press releases than it is in trying to negotiate a contract.

Violence will not help the Union to win the strike, it can only hurt us. Claims and stories of violence, if believed, can only help the Company. The Company has more to gain in this situation by creating violence and they know it.

3. We do not deny that during the first day or two of the strike, when men were reporting for their shift but instead honored the picket line, there were times of massing and jamming at the entrance gate.

You may not have attended many Washington Redskins football games as yet but when you do this fall, we submit the massing and jamming at the stadium entrances will far exceed those of the first few days' problems in Joppa. No one, we repeat no one, has been injured in any way in any picket line incident in Joppa.

4. Both parties in this Joppa dispute sought and obtained a state court injunction prohibiting threats and violence by the other party. After a full hearing on this matter the state court judge issued a Reciprocal Injunction, which ran against both the Company and the Union. That injunction was issued on July 27, 1984, shortly after the strike commenced.

Since that date the Company has on at least six occasions sought contempt proceedings in the state court for violation of the injunction against some persons who are members of Local 438 and against some persons unconnected with Local 438. In each and every instance the state court judge held a full hearing on all the evidence. It is difficult to understand how any federal court could have been more thorough.

5. In a couple of individual, isolated instances a striking employee did "lose his cool" and do an unwarranted spontaneous act. In absolutely no instance was anyone injured. The matter was brought before the Court, heard, and a penalty levied.

Briefly, there are only three such instances that to our knowledge have occurred. In the first case a car ran against a stationary picket, breaking his picket sign. The picket reacted by hitting the windshield of the car with what was left of his

picket sign. Having done that, he walked over and got in the back of a police car just a few feet away so he could be driven to the station and booked. He later called the driver of the car, apologized, and offered to pay for the broken window.

The second, and to our mind the only real serious incident caused by any member, was a case of a member found guilty of throwing a piece of wood at the front corner of a truck as it drove by. The member has and continues to deny that he did it, but the Judge found him guilty. He was ordered to pay some $1200 and sentenced to 45 days in jail. Very frankly, that is a stiffer sentence than many well-known criminals of various types have received in federal courts across the land.

The third and final incident can be considered serious only if you believe the "stinks" (excuse the pun) raised about it by the Company and its rehearsed witness. They claim one of our members rode his bicycle some one hundred feet into the Company property, and with four Company guards standing by watching the bicyclist threw "acid" on the fifth guard. Having done that, the bicyclist turned around rode back out the gate and down the country road with five guards still standing there watching him.

The Massic County Sheriffs office still has the so-called "acid" in its possession in a sealed container. It turned out to be skunk-scent used by hunters during deer season.

No one can claim that bicycle incident was right (and the Judge did fine the rider). To make it into some sort of wild violent incident would be like turning the Jack and Jill nursery rhyme into a case of child abuse.

6. One final matter must be noted. Missouri Portland Cement Company is probably the only Company in the history of this Nation that has ever been permanently enjoined by a Court from:

> "Authorizing, inducing, encouraging or ratifying the actions of any person or persons in dressing in hooded Ku Klux Klan outfits and parading with burning crosses at or near the picket line."

The undenied evidence before the Judge showed that on one night in early July, 1984, while our pickets which included minority members were on the line, an employee inside the plant donned a true, genuine Ku Klux Klan hooded outfit, running toward the pickets.

While one picket left to call the police, the remaining pickets stood their ground. When the police arrived the Company gates were locked and for some two hours the police were denied access. The Company guards claimed they had lost the key to the gates. When the police finally did get in the guards lied. They denied any cross burning, denied any Ku Klux Klan outfit, and claimed no knowledge of any such incident.

One guard finally admitted the lies, and others then did too. However, they produced a sheet with two eyeholes cut out and claimed that as the costume. To this day all but one of the guards involved in the incident is still in the plant and to our knowledge, the true Ku Klux Klan outfit may also be there ready for use at a future date.

When people are ready and willing to lie to law enforcement officers, they will lie to anyone else. We have strange claims of shots in the dark, shots at a house, shots at a van. In every instance, the culprit so precisely placed the shot so that no one was injured.

People inside the plant have guns. One of those hired by the Company was charged with possession of an automatic weapon, indicted, and admitted guilt. We understand that Missouri Portland Cement has kept this gun-toter on its payroll.

It is significant that the only person injured anywhere in this past year was an employee inside the plant, behind their chain link fence, and surrounded by some thirty or forty guards. Fights among those strike breakers brought in from outside the state are common. As a smokescreen the Company wants to blame it all on the Union.

A few years ago, about ninety miles from where your Senate hearing will be held, the Great Coastal Express Company filed suit against a union claiming they were responsible for gun shots, rock throwing and the like. The present script at Missouri Portland Cement Company appears to have been lifted from the Great Coastal Express case. A year or two after the Great Coastal Express Company won a damage suit against the union, a Company vice president admitted that the Company had submitted false affidavits, hired people to shoot at its own trucks, fabricated violence, punctured its own trucks tires and tore up trucks "to get rid of the union." If people at Missouri Portland Cement Company will parade around in Ku Klux Klan outfits, they will follow the rest of the Great Coastal Express script as well.

Senator Paul Simon
February 26, 1985
Page Five

It does bother us that on Monday of this week, some newspapers have received the pre-arranged, surely rehearsed testimony of Company witnesses all spelled out with questions and answers in quotes. Why the reason for the hearing?

We appreciate any assistance in obtaining a second day of hearing so that we can fully present our case. We are in advance thanking the Committee for their consideration.

Very truly yours,

David Beck

David Beck, President
Local 438, Cement, Lime and Gypsum Workers
Division of Boilermakers' Union

Senator METZENBAUM [reading].

We were initially advised by Senator Hatch's staff that of the total hearing time of some 4½ hours on Wednesday, because of the schedule of company witnesses, the union would be limited to approximately 15 minutes to present its views. This time for our testimony was later extended, but we could not be guaranteed as much as an hour.

We have today learned of the the probability of a second hearing, a day at which the union can defend its conduct. The fact is that up to this point, we have heard only one side.

Let me ask you a question, Mr. McIntyre.

The CHAIRMAN. If you would yield on that for a second, Howard, I might mention——

Senator METZENBAUM. No; I just would really prefer, Mr. Chairman, that you not interrupt me, because I didn't interrupt you.

The CHAIRMAN. I will try not to, except that that is not true, and everybody who knows the way I conduct hearings knows they will be fair, and that all the witnesses will have adequate time to explain themselves. I can tell you that the union's allegation is plain wrong. I can produce two staff members, or four staff members, that will show that that is not true.

Go ahead.

Senator METZENBAUM. Mr. McIntyre, when did your company buy the company that is located in Joppa?

Mr. MCINTYRE. I am sorry, sir. Are you referring to the cement plant that is in Joppa?

Senator METZENBAUM. Yes.

Mr. MCINTYRE. We did not buy that. We built it in—we began operation there in 1963. I don't know exactly when we began construction.

Senator METZENBAUM. Was there some acquisition that your company was involved in concerning this particular company? I am told that you had not been longtime owners of the operation. Is that incorrect?

Mr. McINTYRE. You must be referring to our parent company.

Senator METZENBAUM. OK, yes.

Mr. McINTYRE. In 1977, H.K. Porter purchased Missouri Portland Cement Co. in its entirety.

Senator METZENBAUM. And had this company experienced any labor difficulties prior to the present one?

Mr. McINTYRE. As I said in my testimony, we had a strike in 1973 that lasted 39 days. We had a wildcat illegal strike in 1977 that lasted a short period of time, I am not sure how long.

Senator METZENBAUM. Now, you indicated that the company has suffered serious financial setbacks, and you "will not detail the severity of our situation, although I have done so for the union."

I asked the union, although I don't know them personally, but I asked them, since I saw them back there, whether they had received a financial statement from you. Did you ever furnish them with a financial statement of the company's condition?

Mr. McINTYRE. What did they answer you, Senator?

Senator METZENBAUM. I have asked you the question: don't ask me.

Mr. McINTYRE. Well, I would have to say, then, that their response to you was yes, we had supplied that, and the fact is, yes, we did.

Senator METZENBAUM. You did supply them with a financial statement, a certified, audited statement?

Mr. McINTYRE. Sir, we supplied them with everything they asked for.

Senator METZENBAUM. Well, will you supply the committee with a financial statement of the company's operations going back 4 years?

Mr. McINTYRE. I don't know that that has anything to do with these proceedings, sir.

Senator METZENBAUM. Then your answer is no?

Mr. McINTYRE. We have given that information to the union. It is public information.

Senator METZENBAUM. Mr. McIntyre, I am asking you the question. You asked to appear before this committee. The committee is concerned about this matter. I am asking you whether you will supply the committee with your financial statements going back 4 years.

Mr. McINTYRE. Under certain circumstances, perhaps.

Senator METZENBAUM. What circumstances are those? Will you or won't you?

Mr. McINTYRE. Obviously, we would not like to hang the dirty linen out in the public, for instance, in our finances. So I think, under some circumstances, we would perhaps be willing to reveal that information to you; and, as a matter of fact, the union has it all, anyway. So it is available to you.

Senator METZENBAUM. The union says that it does not, but whether the union does or it does not, I am asking you to furnish the committee with it.

Mr. McINTYRE. The union says it does not have?

Senator METZENBAUM. That is what I am told. The local says that it has never received any financial data from you.

Mr. McINTYRE. Who says that?

Senator METZENBAUM. The local.

Mr. MCINTYRE. That is absurd.

Senator METZENBAUM. I am not prepared to argue with you because I don't know. They will testify next week or whenever the hearing is.

But, as a committee member, I would like to know if you will furnish me with a copy.

Mr. MCINTYRE. Well, we don't have a videotape of where I gave the information to them like we do have videotapes of other such absurd remarks that the union has made, but I can tell you, sir, that I have overwhelming evidence to prove to you that we have submitted to the union every piece of financial information and other information—amounting to hours of work, hours of pay, premium pay, Sunday pay, holiday pay, bereavement pay, on and on and on—at substantial time and moneys we spent to dig that information out for them, for some 6-year period of time; that we submitted to them, also, our income tax statement, even though it was not readily available because we file it as a consolidated statement with H.K. Porter and not separately; but we did generate that information for them and give it to them.

We did also give them the identical information for the first 6 months of 1984.

The CHAIRMAN. Let me see if I can help you, Howard. I have a letter from the National Labor Relations Board dated February 14, 1985. We will put the whole letter into the record as McIntyre exhibit No. 37.

[McIntyre exhibit No. 37 follows:]

McINTYRE #37

NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

February 14, 1985

Re: Missouri Portland Cement Co., Inc.
Case Nos. 14-CA-17535
14-CA-17579

J.F. Sounders, Esq.
905 Chemical Bldg.
721 Olive St.
St. Louis, Missouri 63101

Dear Mr. Souders:

Your appeal from the Regional Director's partial refusal to issue complaint in the captioned case has been duly considered.

The appeal is denied substantially for the reasons set forth in the Regional Director's letter of October 10, 1984. Contrary to your contention on appeal, it could not be established that the Employer's proposal, which included a broad managements rights clause, a grievance procedure and other proposed contractual provisions, were so restrictive of Union representation as to establish that they were proposed for purposes of impeding negotiations rather than for purposes of attempting to respond to the economic circumstances in which the Employer found itself. Nor was the fact that the Employer left the June 13 session, after waiting one hour for the Union to return from its caucus, sufficient of itself to warrant a finding of bad faith, particularly since the parties resumed negotiations on June 18.

Also contrary to your contention on appeal, the investigation established that the Union did not request financial information until 3½ months after bargaining began and 3 days after the strike commenced. Further, the information was provided shortly thereafter, and there was no indication that the initial delay in providing it impeded the negotiations. It therefore could not be said that the refusal to furnish information was a contributing factor in causing or prolonging the strike. Consequently, it could not be established that the strikers had the status of unfair labor practice strikers, as contended on appeal. As for any reinstatement rights of the strikers as economic strikers, the unrebutted evidence indicated that the replacements utilized by the Employer were hired on or before receipt by the Employer of the Union's telegram, even though some of them may not have actually started work until after that date, and the Union had adduced no evidence to establish that any replacements has been in turn replaced by a new employee hired thereafter.

Concerning new matters raised after receipt of your initial appeal, it was concluded that under all the circumstances, and in the entire context of the statements in question, it could not be established that they constituted threats of physical violence against employees, as alleged. In regard to the Employer's delayed payment of accrued vacation benefits, it was concluded that the delay was of insufficient significance to warrant inclusion in a complaint, and although the Employer initially made such payments on the basis of the expired contract, inasmuch as both the contract and the implemented Employer proposal based such payments upon wages in effect at the time vacation is taken, the Employer's rectification of what it considered an error did not rise to the level of a violation of the Act. Lastly, although you have included in your supplemental appeal allegations concerning the composition of the grievance and safety committees, inasmuch as the Region has informed this office that said allegations are encompassed by a new charge you have filed, Case No. 14-CA-17812, which is currently under investigation, it was concluded that such allegations would be more properly dealt with in the context of that charge.

Very truly yours,

Rosemary M. Collyer
General Counsel

By Mary M. Shanklin
Mary M. Shanklin, Director
Office of Appeals

cc: Director, Region 14
Local 438, United Cement Wkrs., Rte. 1, Karnak, Illinois 62956
Local 438, Cement Wkrs., 10067 Belfontaine Rd., St. Louis, Missouri 63137
Missouri Portland Cement, Joppa, Illinois 62956
Missouri Portland Cement, 7711 Carondelet, St. Louis, Missouri 63105
Andrew Lang, Esq., 630 Camp St., New Orleans, Louisiana 70130
Ross A. Friedman, Esq., 7711 Carondelet, St. Louis, Missouri 63105

The CHAIRMAN. In the second paragraph, it says—and this is a letter to Mr. J.F. Sounders, or Souders—it is spelled two different ways—Esquire, regarding Missouri Portland Cement Co., Inc.

It says:

> Also, contrary to your contention on appeal, the investigation established that the union did not request financial information until 3½ months after bargaining began, and 3 days after the strike commenced.

Further, the information was provided shortly thereafter, and there was no indication that the initial delay in providing it impeded the negotiations.

So you did provide financial information. So that is in the record as a McIntyre exhibit.

Senator METZEBAUM. Mr. McIntyre——

McINTYRE. I can tell you, if I could have a second to clear that up——

Senator METZENBAUM. I am asking you, rather than you telling me. I am asking you to tell me whether or not this committee may have a copy of your audited financial statement going back 4 years.

The CHAIRMAN. Do you have any problem with that?

Mr. MCINTYRE. I thought I responded to that.

The CHAIRMAN. Well, do you have any problems——

Senator METZENBAUM. You said under certain circumstances.

The CHAIRMAN. Do you have any problem submitting that to the committee? Do you see a financial problem, or do you see a securities problem or a legal problem? If you do, I can understand, but if you don't, I think you should submit that to the committee.

Mr. MCINTYRE. We would be happy to make available the exact information that we provided to the union and to the National Labor Relations Board.

The CHAIRMAN. Well, then, send that in.

Senator METZENBAUM. That isn't what I am asking for. I am not asking what you gave the union. This is a committee of the U.S. Senate. Will you provide us with your——

Mr. MCINTYRE. I thought I did hear you ask that, what did we give the union.

Senator METZENBAUM. I want to know what you gave the union, and I also want to know whether you will give us audited financial statements of this operation for the last 4 years. The answer to that is just yes or no.

Mr. MCINTYRE. They are included in what we gave them, sir.

Senator METZENBAUM. They are included?

Mr. MCINTYRE. The information you desire is included in that.

The CHAIRMAN. And you will submit that all to the committee?

Mr. MCINTYRE. Yes, sir.

The CHAIRMAN. Thank you.

Senator METZENBAUM. And when will we have that?

Mr. MCINTYRE. Although I fail to really see that it has anything to do with this proceeding.

Senator METZENBAUM. When will we have that?

Mr. MCINTYRE. Well, it would just be a matter of putting it together. A week or 10 days should be adequate.

Senator METZENBAUM. All right.

Mr. McINTYRE. I would like to point out, sir, that we supplied to them exactly what they asked for. We told them, "You write us a letter and tell us what you want, and we will comply," and that is precisely what we did.

Senator METZENBAUM. All right.

Now, did you anticipate a strike at this operation some time before the strike actually occurred?

Mr. McINTYRE. Yes, sir.

Senator METZENBAUM. How much before did you anticipate it?

Mr. McINTYRE. Well, I can't say precisely. Several months in advance.

Senator METZENBAUM. And back as far as December 1983, you contacted Security Consultants for future guard service, didn't you?

Mr. McINTYRE. When you say Security Consultants, is that capital letters? Is that a firm?

Senator METZENBAUM. Yes, yes.

Mr. McINTYRE. No, sir. I have no——

Senator METZENBAUM. What is the name of the company you contacted for guard service?

Mr. McINTYRE. Well, I don't know who you are talking about in terms of Security Consultants. I have never heard of them.

Senator METZENBAUM. Did you contact somebody to make arrangements for guard service in the future?

Mr. McINTYRE. In December 1983?

Senator METZENBAUM. Yes.

Mr. McINTYRE. Not to my knowledge.

Senator METZENBAUM. When did you contact Security Resources?

Mr. McINTYRE. A few months prior to the strike. Oh, Security Resources?

Senator METZENBAUM. Yes.

Mr. McINTYRE. Oh, that was not very far before the strike, a couple of months, perhaps.

Senator METZENBAUM. Your company is headquartered where?

Mr. McINTYRE. In St. Louis, MO, actually in Clayton.

Senator METZENBAUM. And Joppa, MO, is——

Mr. McINTYRE. Joppa, IL.

Senator METZENBAUM. Joppa, IL, is in southern Illinois?

Mr. McINTYRE. Yes, sir.

Senator METZENBAUM. And you are using attorneys from New Orleans, is that correct?

Mr. McINTYRE. That is correct.

Senator METZENBAUM. Did you use anybody else from New Orleans in connection with this labor matter?

Mr. McINTYRE. I don't know—I know what you are getting at, sir, but——

Senator METZENBAUM. Then why don't you tell me, since you know and I know?

Mr. McINTYRE. Well, why don't we just work it out. I don't believe the individual that you are going to ask me about was from New Orleans, but he is close by.

Senator METZENBAUM. Was what?

Mr. McINTYRE. Who are you referring to?

Senator METZENBAUM. Well, I just asked you if you used anybody else from the New Orleans area.

Mr. MCINTYRE. Area? Yes, sir.

Senator METZENBAUM. Who?

Mr. MCINTYRE. We used an individual by the name of Tom Hall.

Senator METZENBAUM. And Tom Hall does what? Why did you contact him?

Mr. MCINTYRE. He is a personnel consultant. He deals specifically in the area of procuring and obtaining personnel as desired.

Senator METZENBAUM. When there is a strike.

Mr. MCINTYRE. No, sir; that is not his job.

Senator METZENBAUM. Well, let me ask you—this is a letter I have from Mr. Hall & Associates dated September 14, 1984:

Dear Mr. Blank: As you are quite aware, the cement industry is experiencing significant overhead pressures and corresponding union resistance in reducing overhead.

No doubt you have heard that Missouri Portland Cement Company [MPC] has replaced its striking workforce at its plant in Joppa, Illinois. This replacement of workers was conducted on a very discreet and successful basis by my firm, Hall & Associates. Hall & Associates is a consulting firm specializing in the area of personnel/human resources.

Even though Missouri Portland has its own personnel staff and had retained highly skilled labor counsel, none of these parties had experience in recruiting large numbers of employees quickly on a confidential basis.

I am pleased to say to you that my organization was able to recruit the necessary skilled and unskilled workers without the union ever realizing what was going on. As a result of our ability to replace Missouri Portland's workforce, the company [MPC] has effected an ongoing cost savings of several million dollars as a result of: one, reducing wage rates by 30 percent; two, reducing benefit levels; three, reducing work force by one-third; four, improving work rules, thereby increasing productivity.

We are the only firm I know of which offers this service to union-plagued industries who are looking for overhead relief and a light at the end of the tunnel.

If you are interested in a confidential discussion as to how we work and how we might be of service to your company, call me at 504 626-5623

It is signed by Thomas E. Hall, Jr., the president.

Mr. Chairman, I ask unanimous consent that a copy of this letter be made and submitted for the record.

The CHAIRMAN. Without objection, we will make that McIntyre exhibit No. 38.

[McIntyre exhibit No. 38 follows:]

Wally CEA

Hall & Associates
Human Resource Consultants

s E. Hall, Jr.

360 Moss Lane
Mandeville, Louisiana 70448
(504) 626-5623

McINTYRE #38

September 14, 1984

Dear Mr.

As you are quite aware, the cement industry is experiencing significant overhead pressures and corresponding union resistance in reducing overhead.

No doubt you have heard that Missouri Portland Cement Company (M.P.C.) has replaced its striking work force at its plant in Joppa, Illinois. This replacement of workers was conducted on a very discreet, and successful basis by my firm, Hall & Associates.

Hall and Associates is a consulting firm specializing in the area of personnel/human resources. Even though Missouri Portland has its own personnel staff and had retained highly skilled labor counsel, none of these parties had experience in recruiting large numbers of employees, quickly, on a confidential basis.

I am pleased to say to you that my organization was able to recruit the necessary skilled and unskilled workers without the union ever realizing what was going on. As a result of our ability to replace Missouri Portland's work force, the Company (M.P.C.) has effected an ongoing cost savings of several million dollars as a result of:

1. Reducing wage rates by 30%
2. Reducing benefits levels
3. Reducing work force by one-third
4. Improving work rules thereby increasing productivity

we are the only firm I know of which offers this service to union-plagued industries who are looking for overhead relief and a light at the end of the tunnel. If you are interested in a confidential discussion as to how we work and how we might be of service to your company, call me at 504-626-5623.

RECEIVED
SEP 21

Sincerely,

Thomas E. Hall, Jr.

Senator METZENBAUM. Now, you hired Thomas Hall & Associates to obtain for you strikebreakers, as they are normally called in the trade. Isn't that right?

Mr. MCINTYRE. He did work for us. Yes, sir.

Senator METZENBAUM. And he brought in strikebreakers. And how much did you pay per day for each strikebreaker, including the living expenses of the strikebreakers?

Mr. MCINTYRE. I don't understand your question, sir.

Senator METZENBAUM. Well, how did you pay the employees when they came in? He brought in a group of employees, and he was paid for his services, and I am asking you what those financial arrangements were.

Mr. MCINTYRE. Are we finished with Hall, because there are some things that——

Senator METZENBAUM. No, this is with Hall.

Mr. MCINTYRE. The individuals that were hired as replacement employees were paid precisely according to the company's implemented terms and conditions, which in fact, sir, had been implemented on June 29.

The CHAIRMAN. Just like any other employees, you mean?

Mr. MCINTYRE. Excuse me?

The CHAIRMAN. Paid just like any other employees?

Mr. MCINTYRE. Yes, sir.

Senator METZENBAUM. And how was Mr. Hall paid?

Mr. MCINTYRE. Mr. Hall was paid on a weekly basis, I believe. He was paid so much per week.

Senator METZENBAUM. How much?

Mr. MCINTYRE. I can't recall, sir.

Senator METZENBAUM. Will you furnish the committee with that fact?

Mr. MCINTYRE. I don't think it is pertinent.

Senator METZENBAUM Well, I do. Will you furnish the committee with that fact? I ask the chairman to instruct him to furnish it.

The CHAIRMAN. Well, what is the purpose of it?

Mr. MCINTYRE. I don't see that it matters.

Senator METZENBAUM. The relevance is that this company had enough money to go out and hire a strikebreaking consultant, and they——

Mr. MCINTYRE. Sir, I would like to point out that Mr. Hall, to my knowledge, had never advertised himself as a strikebreaking procurer of labor——

Senator METZENBAUM. What do you think this letter says?

Mr. MCINTYRE [continuing]. And, to my knowledge, he has not done it since then. We did not hire him with the anticipation of him managing this thing for us. We hired him, sir, to try to generate a group of people which we could interview ourselves, to be placed as replacement employees. He did not do that. He did not in fact do the hiring. We did the hiring.

Senator METZENBAUM. He is overstating the case when he says, "We are the only firm I know of which offers this service to union-plagued industries who are looking for overhead relief and a light at the end of the tunnel," and he says that his company, his organization, was able to recruit the necessary skilled and unskilled workers without the union ever realizing what was going on.

This country has lived through strikebreakers for many, many years, and the country understands what strikebreakers are. This man is nothing more than a strikebreaker, and you hired him to get you strikebreakers, and I am asking you what you paid him.

Mr. MCINTYRE. Well, sir, I told you I don't remember.

Senator METZENBAUM. Well, I am asking you to furnish the committee with that information.

Mr. MCINTYRE. I fail to see that it really has anything to do with these proceedings. But if I could, I would like to point out that the letter that you have there that was addressed to Dear Mr. Blank was never, ever made available to me by Tom Hall.

Senator METZENBAUM. I don't question that.

Mr. MCINTYRE. That letter surfaced in negotiations with the union some 2 months or so later, and it is the first time, at that point, that I was aware that Tom Hall had solicited other chief executive officers or whoever it was he mailed that letter to, and at that point, on November 26, I wrote Tom Hall the following letter:

Dear Mr. Hall: Your recent letter to various companies in the cement industry, a copy of which is enclosed, has been shown to me by union representatives.

Many of your statements in that letter have done a serious disservice to our company. Your role was limited to the recruitment of applicants for employment to replace our striking employees. For you to make statements such as those in your letter mischaracterizes Missouri Portland's position and has had a detrimental effect on our relationship with the union.

As you know, I neither endorsed your letter nor approved it prior to its being sent. I would appreciate your acknowledging this.

And he did acknowledge that with a subsequent letter that I would be happy to put into the record.

The CHAIRMAN. We will put those subsequent exhibits into the record as McIntyre exhibits No. 39 and 40.

[McIntyre exhibits Nos. 39 and 40 follow:]

McIntyre #39

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE PRESIDENT, OPERATIONS

November 26, 1984

Mr. Thomas Hall
Hall & Associates
360 Moss Lane
Mandeville, Louisiana 70448

Dear Mr. Hall:

Your recent letter to various companies in the cement industry, a copy of which is enclosed, has been shown to me by Union representatives. Many of your statements in that letter have done a serious disservice to the Company. Your role was limited to the recruitment of applicants for employment to replace our striking employees. For you to make statements such as those in your letter mischaracterizes Missouri Portland's position and has had a detrimental effect on our relationship with the Union. As you know, I neither endorsed your letter nor approved it prior to its being sent. I would appreciate your acknowledging this.

Very truly yours,

J. L. McIntyre

JLM/Ls1
Enclosure

McIntyre #40

Hall & Associates
Human Resource Consultants

Thomas E. Hall, Jr.

360 Moss Lane
Mandeville, Louisiana 70448
(504)626-5623

RECEIVED MPC 12/11/84

J. L. McIntyre
Vice-President, Operations
Missouri Portland Cement Company
7711 Carondelet Avenue
St. Louis, MO 63105

Dear Mr. McIntyre:

I am responding to your letter of November 26, 1984. By way of this letter I want to state that my role was strictly limited to the recruitment of applicants for employment to replace striking employees. Neither you nor any other representative of Missouri Portland Cement Company endorsed nor approved my letter prior to its being sent.

I apologize for any misinterpretation of my role or mischaracterization of Missouri Portland's position as a result of my letter.

Sincerely,

T. E. Hall

Thomas E. Hall, Jr.
President

Senator METZENBAUM. When did you first contact Mr. Hall?

Mr. MCINTYRE. I am sorry, sir, I don't recall.

Senator METZENBAUM. Will you check the company's records and let us know?

Mr. MCINTYRE. Sure.

Senator METZENBAUM. And do you know when you actually did hire Mr. Hall?

Mr. MCINTYRE. When did I actually——

Senator METZENBAUM. Yes. I want to know when you contacted him, and then when did you hire him?

Mr. MCINTYRE. Again, I don't recall that date.

Senator METZENBAUM. It was sometime prior to the strike taking place, wasn't it?

Mr. MCINTYRE. Yes, sir, it was.

Senator METZENBAUM. So that when you answered me before that the company anticipated a strike, tell me why you anticipated a strike.

Mr. MCINTYRE. Well, we anticipated a strike, sir, for various reasons. First of all, I would like to point out that we had experienced a strike with this union in 1973, a bitter strike lasting 39 days that was resolved almost entirely in the union's favor. Even though the company had offered rather substantial improvements and in fact was willing to settle for more than the pattern settlement, the union still refused to come back to work without additional——

Senator Metzenbaum That was the earlier strikes?

Mr. MCINTYRE. That was in 1973.

Senator METZENBAUM. But how many union negotiations occurred, how many contracts had been negotiated, between 1973 and 1984?

Mr. MCINTYRE. They were negotiated in 2-year intervals until 1978, so there was 1975——

Senator METZENBAUM. 1975, 1977, 1979, 1981——

Mr. MCINTYRE. I am sorry, 1975, 1978, 1981.

Senator METZENBAUM. So you had a number of successful negotiations. But in this particular——

Mr. MCINTYRE. Not necessarily. I am trying to tell you that in 1975, the union threatened to go on strike if the company did not reach its demands.

Senator METZENBAUM. Unions always threaten to go on strike, don't they? Isn't that part of their negotiating procedure?

Mr. MCINTYRE. In 1977, they went on strike. It was an illegal wildcat strike that resulted in three of their leaders being terminated.

Senator METZENBAUM. But the union did not authorize that strike; it was an unauthorized strike?

Mr. MCINTYRE. That is correct, and we terminated three of the leaders of the union.

In 1978, about a year after the wildcat strike, the union threatened to go on strike if we did not bring back those three individuals that had been terminated. After a lot of arguing and carrying on, the company finally did agree to bring those three people back if the union would agree to a favorable contracting-out language which was in fact put into the contract in 1978.

Senator METZENBAUM. Which was in fact what?

Mr. McINTYRE. Was in fact put into the contract in 1978. The company at that point had a favorable contracting-out language that it had not had before, but they brought back the illegal strikers of a year prior.

In 1981, the next session, the union threatened to go on strike if that favorable contracting-out language was not removed from the contract.

In 1984, some year or 15 months or so prior to the expiration of the 1981-1984 agreement, as I testified earlier, the president of the company, Thomas A. Templet, met with Bernard Martinez and solicited concessions from the union.

Senator METZENBAUM. What kinds of concessions? Can you tell those to us?

Mr. McINTYRE. Monetary concessions and some moderate concessions in workrules and essentially, sir, the same concessions that had been afforded to two of our competitors, namely Lehigh Cement Co. and Continental Cement Co.

Senator Metzenbaum. Am I correct when I am informed that the company asked for several dollars per hour in wage cuts, bidding right cuts, recall rights cut, retirement benefits cut? I am further told—and I don't know that this is the fact—that of a 60- to 70-page contract, the company demanded to cut or substantially delete or modify almost every clause of the contract except those clauses on safety. Now, is that a fair description?

Mr. McINTYRE. Well, I don't think it necessarily represents the facts, but there is no doubt that we recognized that the demands that we were placing on the union were substantial. We knew, given our previous bargaining history with the union and the difficulties that we had experienced with them since 1973, that it would be extremely difficult for us to be able to go through the contract negotiations without experiencing a strike.

We began early because of that. We approached the union in February, 2½ months prior to the expiration of the contract, 2 months prior to the expiration of the contract, and tried to begin negotiations as early and as frequently as we could, knowing full well that they would not find our proposals to be acceptable to them.

We proceeded through—I forget that I testified—13 meetings, whatever it was, up to—well, I guess it was up to the date they went on strike on June 15, and we proceeded to meet with them after that, and still continue to meet with them.

So, to answer your question, I think, in all prudent business judgment, it was reasonable to expect that the union would go on strike, yes, sir.

Senator METZENBAUM. And so early, back in December, you contacted Security Resources for future guard service. Is that correct?

Mr. McINTYRE. You asked me that before, and I told you no.

Senator METZENBAUM. When did you contact Security Resources?

Mr. McINTYRE. I told you that I don't know that date, sir.

Senator METZENBAUM. But it was substantially prior to the time of the strike?

Mr. McINTYRE. I think I mentioned that it was several months prior to it, yes.

Senator METZENBAUM. And you hired Mr. Hall and associates prior to the strike?

Mr. MCINTYRE. Yes, sir.

Senator METZENBAUM. And you installed around the plant a 6-foot chain-link fence topped by three strands of barbed wire prior to the strike?

Mr. MCINTYRE. Yes, sir.

Senator METZENBAUM. And you installed 40 light poles, each with four 1,000-watt light bulbs, prior to the strike?

Mr. MCINTYRE. Well, that is an exaggeration. It was more like eight light poles.

Senator METZENBAUM. Eight?

Mr. MCINTYRE. I forget exactly how many.

Senator METZENBAUM. OK, it doesn't matter. The point is the same.

Mr. MCINTYRE. Certainly not 40, although we should have. Considering subsequent activities, we could have used those 40.

Senator METZENBAUM. All right. You will know better next time.

There are 115 people at this plant, is that right, approximately?

Mr. MCINTYRE. At the time they went on strike, I think the number was 118, yes.

Senator METZENBAUM. Now, they go on strike. You are anticipating the strike. The reason you are here today, as I understand it, is that you are not satisfied with the cooperation or the law enforcement activities locally.

Now, you did get the temporary restraining order you asked for, didn't you?

Mr. MCINTYRE. It only took 2 days.

Senator METZENBAUM. And then, subsequently, there was another injunction in which you were enjoined and they were enjoined as well, is that correct?

Mr. MCINTYRE. That is correct. There was a reciprocal injunction.

Senator METZENBAUM. And there were six hearings before the court for violations of the TRO, is that correct?

Mr. MCINTYRE. I am sorry?

Senator METZENBAUM. There were six hearings before the court for violations of the temporary restraining order?

Mr. MCINTYRE. Mike points out that he thinks there were five. He was the attorney that handled them all.

Senator METZENBAUM. All right, I won't quibble. There were five or six. And in some of those, you prevailed; in some, you did not. How many did you prevail in?

Mr. MCINTYRE. All but one.

Senator METZENBAUM. All but one. And you are not satisfied with the results there.

Now, then——

Mr. MCINTYRE. Oh, we have never said that.

Senator METZENBAUM. You are not satisfied with the effective law enforcement in your community. Is that correct?

Mr. MCINTYRE. That is correct.

Senator METZENBAUM. Now, I would understand that, Mr. McIntyre, if you said, well, somebody isn't willing to bite the bullet and do what has to be done. But I have listened to your testimony and

that of Mr. Lang, and as I hear it, you are very unhappy with the actions of the sheriff, Bob Butler, as well as Deputy Michael Scott. They didn't meet their responsibilities as you saw fit for them to do. Is that correct?

Mr. McINTYRE. Yes, sir.

Senator METZENBAUM. And then you took the matter up with the State attorney general, Jackson, and he performed unsatisfactorily. Is that correct?

Mr. McINTYRE. Yes, sir, plus there was a preceding sheriff, too, that we were not very pleased with.

Senator METZENBAUM. And you were not very pleased with the preceding sheriff?

Mr. McINTYRE. Right.

Senator METZENBAUM. Thank you very much.

And then you were not satisfied with that State attorney general, Jackson. He lost in an election, and you got a new State attorney general. His name was Frazier. You were not satisfied with his efforts, either, were you?

Mr. McINTYRE. That is a fair statement.

Senator METZENBAUM. And then you moved over to the Governor's office, and you were not satisfied with the Governor's office, either, were you?

Mr. McINTYRE. Well, we are hard to please, I guess.

Senator METZENBAUM. Pardon?

Mr. McIntyre. We must be hard to please, but you are right; we are not satisfied.

Senator METZENBAUM. And you were not satisfied with the Department of Law Enforcement of the Governor's office in their efforts to provide you with adequate protection. Is that correct?

Mr. McINTYRE. If that is the Illinois State patrol, you are correct.

Senator METZENBAUM. And, as a matter of fact, the matter went before the grand jury, and you weren't even satisfied with—well, before we do that, you weren't satisfied with the Illinois State police, either, were you?

Mr. McINTYRE. I thought that is what I just said.

Senator METZENBAUM. No, I thought we had talked about something called the Department of Law Enforcement.

Mr. McINTYRE. Well, there is also a Bureau of Criminal Investigation in Illinois that we weren't happy with, either.

Senator METZENBAUM. You weren't happy with them.

Mr. McINTYRE. So, whichever.

Senator METZENBAUM. And then you weren't happy with the Illinois State police as far as their assistance?

Mr. McINTYRE. That is correct.

Senator METZENBAUM. And then the matter went before the grand jury, and you weren't satisfied with the conduct of the grand jurors, were you? I read here, "Mr. Jackson had three of the guards appear before the grand jury, after which the guards said they were made to feel like they were the criminals. The grand jurors were encouraged to cross-examine them, demanding to know where they came from, what were their addresses, what were their duties at the plant, and whether they were really scab labor."

Then you go on to say, "Juror after juror accused her of not knowing what she was talking about." So you weren't satisfied with the conduct of the individual grand jurors, either, were you?

Mr. MCINTYRE. We were not satisfied with the fact, sir, that in spite of overwhelming evidence and eyewitnesses in many cases, that there were no indictments handed down by the grand jury.

Senator METZENBAUM. As a matter of fact, the reason you are here is because you don't think that anybody in the State of Illinois, whether it is the grand jurors themselves, whether it is the sheriff, the deputy sheriff, or the Illinois police department, the Illinois State police, the Illinois Governor, the Illinois law enforcement division, even the Federal Government—you weren't satisfied with the FBI or the Bureau of Alcohol and Tobacco Enforcement, were you?

Mr. MCINTYRE. Excuse me a second.

[Pause.]

Senator METZENBAUM. There is a question pending.

Mr. MCINTYRE. Essentially, your statements, I think, are much too broad. Personally, I don't have anything against the Governor of Illinois.

Senator METZENBAUM. Against what?

Mr. MCINTYRE. Personally, I don't have anything against the Governor of Illinois and perhaps not even against the law enforcement people themselves. However, their actions—or, particularly, their inactions—are the reason why we are unhappy and the reason why we are here today.

Perhaps they are hamstrung by the Hobbs Act and other decisions of the courts that they feel do not allow them to carry out their jobs in the manner that we feel like they should.

I testified that we did not have free use of the gate for over 2 months.

The CHAIRMAN. That is your own gate.

Mr. MCINTYRE. Our own gate. We could not——

Senator METZENBAUM. I understand that. That was your original testimony. I want to just pursue this question. All the places you have been——

The CHAIRMAN. Well, let him answer the question.

Mr. MCINTYRE. Are we not allowed by law free access? It is my understanding that we are, but yet the law enforcement, whether it be at the county level or the State level, was unwilling and totally ineffective in providing us with that, to the extent, sir, that it was most expensive to us.

I testified that a great deal of truck deliveries of cement from our plant are by customer pickup, and for 3 months we did not have one single customer come in and pick up cement. We lost almost exactly a million dollars in revenue for that very reason.

Our plant, sir, is out in the far reaches of southern Illinois. It is relatively inaccessible. There is only one road that goes into the plant, although it does make a 90 degree bend right at the property. If you will, there are two roads in there. But there was simply no free access of our property during that period of time, at tremendous expense to the company.

Senator METZENBAUM. What concerns me, Mr. McIntyre, is that you knew you were going to get a strike. You looked for a strike.

You prepared for a strike. You hired a company to bring in strikebreakers. You did everything that management has done over a period of years to break the union.

Then when the strike occurred, you became concerned, and you are here before this committee saying that you don't have adequate law enforcement or effective law enforcement.

You have been to every single possible law enforcement agency to make out your case, and nobody has been on your side, according to your own testimony. You even went to the Coast Guard. You went to the FBI. You went to the Bureau of Alcohol and Tobacco. And what you are here for is because apparently you haven't been able to make out enough of a case to get the support of the local sheriff, the local State attorney general, the local Illinois—what do we call them, Paul?

Senator SIMON. State police?

Senator METZENBAUM. The State police. [Laughter.]

You have been everywhere, and now you are here, in this kind of hearing, saying that somehow the Federal Government is the one that is creating the problem.

You looked for the problem; you created the problem; you asked for the problem; you hired the strikebreakers; you did everything possible to break your union, 115 people working for you; and now you come in here with a lot of hearsay evidence, not any actual evidence, all hearsay evidence, telling us this whole story and saying, you in the Senate Labor Committee ought to help us solve our problem.

I say to you that if you can't sell your neighbors, if you can't convince the people in the community in which you live, if you can't convince the Republican Governor of your own State that you are right and to provide you with the necessary police protection, I don't think you ought to be coming before the Senate Labor Committee.

You have already been to three agencies of the Federal Government, and now you are looking for the fourth one to somehow give you some media exposure and somehow hope that that is going to solve it.

I would suggest to you, if you went back and sat down with your employees and didn't spend all the money on the strikebreakers and all the money putting up the fences and all the money putting up the lights—and you wanted to even put up more lights—and put it into the pot for the employees, maybe, just maybe, you wouldn't be here today testifying about all your problems and asking the U.S. Senate Labor Committee to give you some assistance.

I have one further question. How much is the Ku Klux Klan——

Mr. MCINTYRE. Did you want me to respond to any of that, sir?

Senator METZENBAUM. No, it was my speech. [Laughter.]

You had your speech.

The CHAIRMAN. That is typical of the fairness that he has been complaining about [Laughter.]

Senator METZENBAUM. Typical of what?

The CHAIRMAN. Go ahead, Howard.

Mr. MCINTYRE. Well, I would certainly take exception——

Senator METZENBAUM. Let me just finish my question.

Mr. MCINTYRE. I would like to take exception to a few of your points.

Senator METZENBAUM. Of course. I expect you to.

The CHAIRMAN. And I will see that you have the opportunity.

Senator METZENBAUM. No problem. I will be very happy to see that you get adequate time to respond.

Do you have the Ku Klux Klan active in your plant?

Mr. MCINTYRE. Do you have them active in the plant? No, sir.

Senator METZENBAUM. Well, I want to say to you, Mr. McIntyre, I have been involved in labor matters almost all my life. I have been in courtrooms where injunctions have been granted, some where they have been denied. But, to the best of my knowledge, yours is the only plant that is under an injunction from authorizing, inducing, encouraging or ratifying the actions of any person or persons in dressing in hooded Ku Klux Klan outfits and parading with burning crosses at or near the picket line.

As I understand it—and I am now reading from the union's letter that is in this record.

> The undenied evidence before the judge showed that on one night in early July 1984, while our pickets, which included minority members, were on the line, an employee inside the plant donned a true, genuine Ku Klux Klan hooded outfit, running toward the pickets.

While one picket left to call the police, the remaining pickets stood their ground. When the police arrived, the company gates were locked, and for some 2 hours the police were denied access. The company guards claimed they had lost the key to the gates.

When the police finally did get in, the guards lied. They denied any cross burning, denied any Ku Klux Klan outfit, and claimed no knowledge of any such incident. One guard finally admitted the lies, and others then did, too. However, they produced a sheet with two eyeholes cut out and claimed that as the costume.

To this day, all but one of the guards involved in the incident are still in the plant, and to our knowledge, the true Ku Klux Klan outfit may also be there, ready for use at a future date.

Now, I don't know anything more about that except that apparently you are under an injunction from utilizing Ku Klux Klan outfits or burning crosses, and I wonder if you would care to tell us the facts concerning that.

Mr. MCINTYRE. Well, I have already testified to that. I have already said that that was not an action of the company; that that single incident where the four guards—Mike Souders, is that his name?—Mike Souders and three other guys, one of which happened to be black himself, dreamed this prank up and put a sheet over Souders' head.

I don't believe they had burning torches, sir. I don't believe that it was a KKK type of rally that I am familiar with seeing on television, anyway. It was a prank. It was a prank that we sorely——

Senator METZENBAUM. Why did you lock the plant gates for 2 hours so the police couldn't get in?

Mr. MCINTYRE. Sir, I don't know anything about that.

Senator METZENBAUM. Pardon?

Mr. MCINTYRE. I don't even know that has anything to do with this. You are accusing us of planning these sorts of things and car-

rying them out, and that they go on on a routine basis, and that is ludicrous, sir.

Senator METZENBAUM. Isn't it funny how, when your own ox is getting gored, you are saying I am accusing you. I am only reading from this document just in the same way that you accused the union of many misdeeds without having any evidence. I am just following the same procedure you did, Mr. McIntyre.

Mr. MCINTYRE. Well, I think, to the contrary, sir, we have a great deal of evidence on the accusations that we have made.

Senator METZENBAUM. Mr. Chairman, I think that it is unfair for me to take further time of the committee. I know Senator Simon has been patient. He is the Senator from Illinois, and I yield to him if that is all right.

The CHAIRMAN. I will be happy to yield to Senator Simon in just 1 second.

You also said that all of these guards and their 61 other counterparts were fired.

Mr. MCINTYRE. Sixty-five, I believe the number was.

The CHAIRMAN. Sixty-five total were absolutely fired.

Mr. MCINTYRE. Yes, sir.

The CHAIRMAN. So the company didn't sanction that kind of improper conduct, did it?

Mr. MCINTYRE. Of course not.

The CHAIRMAN. Well, I suspect that if you are not satisfied with the local and State law enforcement agencies, part of the reason is that nothing criminal has been done. No criminal charges really have occurred as a result of the shooting of Delbert Sullivan's house, the beating of Kenny Hutchins, the repeated destruction of Commercial Transport trucks, the slashing of tires, the shootings that have gone on that you have discussed here today, the millions of dollars in property damage that you have discussed, the murderous assault on J.J. Badalich, the attack on Gordon and Kana Smith, the wounding of Gary Miller, et cetera, et cetera.

Mr. LANG. That is correct, Senator.

The CHAIRMAN. That is why you are not happy, I take it.

Mr. LANG. That is exactly correct, Senator, if I may add——

The CHAIRMAN. I mean, it is nice to go through all these things and say you are not happy. I wouldn't be happy, either. Neither would anybody else with any brains.

We will turn to Senator Simon.

Senator SIMON. Thank you, Mr. Chairman.

This plan happnes to be located in my old congressional district. I remember a meeting with some of the strikers in which they complained about what the company attitude was.

Let me just add that I made clear to them, as I want to make clear here, that I do not for one moment condone violence on the part of either labor or management. I don't think anyone on this committee does.

After meeting with them, I called—I am not sure whether it was the president of the company or someone in St. Louis—to see if things could be moved back to negotiation, and I did not jot down what happened in the conversation, but I came away with the general impression that the company really wasn't seriously interested in resolving the matter.

This is a community, Mr. Chairman, in deep southern Illinois, just across from Kentucky, a generally Republican county, conservative community, a generally peaceful community.

The attitude in the community, I can say from having been there a number of times, is that the company—whether this is right or wrong—but the attitude of the community is that the company, No. 1, did not want to settle; the company went out of its way to irritate labor-management relations.

What I was told was that when they first met with you, you asked for basically, as I recall, reductions of about 25 percent in wages because of the losses you were sustaining. And then when they asked you to document those losses, there was no documentation of those losses.

I guess the first question is, is it true you were asking for roughly a 25 percent, or what was the drop in wages for the employees there?

Mr. MCINTYRE. In percentage, Senator, I don't know we ever calculated it. There are different employees at different——

Senator SIMON. What does the average employee at your plant make per hour?

Mr. MCINTYRE. At the time they went on strike, sir, it was about $13 per hour.

Senator SIMON. And you were asking them to go down to what?

Mr. MCINTYRE. It was about $13 an hour in earnings and about $21 an hour in total expense to the company.

We had proposed a reduction of, initially—it averaged by our calculations, anyway, about $2.80 per hour.

Senator SIMON. Well, you say initially. What did it mean ultimately?

Mr. MCINTYRE. Well, we later added some money in the course of negotiation, improving our offer to the point where I think our calculations showed it to be about $1.80 an hour.

Senator SIMON. But a fairly substantial reduction.

Did you provide documented evidence about the losses that you were sustaining in your company that required that kind of reduction?

Mr. MCINTYRE. They weren't interested in it, sir.

Senator SIMON. That is not what they tell me. Did you offer any——

Mr. MCINTYRE. Well, if that is the case, why did they not ask for it?

Senator SIMON. My understanding is they did ask for it.

Mr. MCINTYRE. They asked for it 3½ months afterward. After the company had already implemented its final offer, and after the union had been on strike for 4 or 5 weeks, I think, if I am not mistaken, they first asked for that information.

Senator SIMON. I used to be in business. I have negotiated with labor. I cannot imagine going in and asking members of the union, we want you to take—even if they didn't ask for anything—we want you to take cuts, and then not offer any kind of documentation for the losses that you are sustaining. Doesn't that strike you as a little strange?

Mr. MCINTYRE. Well, sir, I have to say that I presented a great deal of information documenting the company's financial situation.

I thought you were referring to other financial data like our income statement or our income tax filings or such other information as that.

Senator SIMON. Yes, that is precisely what—you know, some solid evidence.

Mr. MCINTYRE. They did not ask. To repeat, they did not ask for that information for some 3½ months later.

Senator SIMON. That is contrary to what I was told. I am obviously not in a situation——

The CHAIRMAN. Senator Simon, if I could interrupt you for 1 second, I think I can help you. You were not here when I brought out the National Labor Relations Board letter of February 14, 1985, regarding Missouri Portland Cement Co., Inc., where I read this part of this paragraph. I have put this in the record, so you can read the whole thing later:

> Also, contrary to your contention on appeal, the investigation established that the union did not request financial information until 3½ months after bargaining began and 3 days after the strike commenced.
>
> Further, the information was provided shortly thereafter, and there was no indication that the initial delay in providing it impeded the negotiations.

So they did provide the information and did it in accordance with the union request.

Senator SIMON. I guess my point is simply that I think, in general, when you have an unhappy labor-management situation, my observation through the years is that usually there is some fault on both sides, and it just seems to me kind of fundamental in that kind of situation, if you were interested in reaching a negotiated settlement—and I don't know whether you were or you were not——

Mr. MCINTYRE. Well, you have already said that we were not.

Senator SIMON. You were?

Mr. MCINTYRE. You have already made that claim, that we were not interested.

Senator SIMON. Well, let me ask—I have to say that the evidence is not overwhelming that you are.

Mr. MCINTYRE. I don't know how you can say that, because you must not have looked at the evidence, then.

Senator SIMON. Let me just ask a very specific question. Was your aim when you went in to try to reach a negotiated settlement with the union? You wanted to keep the union, you wanted to keep that plant going as it was?

Mr. MCINTYRE. Yes, sir.

Senator SIMON. And you went in, and you thought you could just convince them without providing any kind of documented evidence about their losses, but you just walk in and say to a union, Here, we want you to take these cutbacks, $1.80 an hour or $2.30 an hour, but we are not going to provide you any substantial evidence why you ought to do that? Does that sound to you like a very convincing or sensible way to operate?

Mr. MCINTYRE. Well, no, it doesn't, but that isn't what we did.

Senator SIMON. OK, tell me what you did.

Mr. MCINTYRE. Before you arrived here today, I had already testified that we began negotiations with this union on February 29, 1984, with the contract not due for expiration until May 1; that we

had tried to begin negotiations with them prior to that and were not successful.

After the first meeting, the union would not meet with us again for 6 weeks, in spite of my protests that considering our two very different positions, widely opposing positions, that we should meet more frequently, and yet the union refused and would not meet for 6 more weeks.

I presented at the initial meeting on February 29 substantial documentation of the company's losses, but I did not provide them with certain financial data that they later asked for, some 3½ months later.

I take exception—as having been the company's sole spokesman during this entire affair, I take exception to you sitting there, telling me that we tried to incite these people to go on strike; that we bargained in bad faith; and that we were not interested in reaching a settlement; and that in fact, to the contrary, we were hoping they would go on strike so we could replace them, they would go away, and we would be happy from that point on.

I would like to point out to you, sir, that those charges have been made by the union against us, and that we have been through an NLRB proceeding for several months and which we won at the regional level, and we just recently won on appeal.

We have documentation that we have bargained in good faith, that we were not guilty of surface bargaining, and all of those allegations, sir, that you are making today are not so.

It was not my intention, nor was it the company's intention, to enter into these bargainings with the idea of replacing the work force or even having them go on strike. We recognize very, very simply that the money we are asking back from these people, and some of the work rule changes that we would like to have put into place, are distasteful to them, because they have not had to experience anything like that over the years.

But many other unions have done the same thing. In the cement industry—I pointed out earlier today—there are 92 cement plants associated with or affiliated with the United Cement, Lime, & Gypsum Workers Union. Only 29 of them have been able to reach an agreement at this point. Twenty-eight of those 92 had suffered strikes, some plants on strike more than once.

Out of that same 92, almost half—45—are currently operating under implemented terms and conditions that the companies have imposed after having reached impasse. It is not just Missouri Portland, sir, that has had this problem.

Senator SIMON. Unfortunately, I have another meeting that I have to get to.

Let me just comment for the record, Mr. Chairman, and I think it will be interesting to hear from the union leadership, where you are going to hear, I think, an appreciably different kind of story.

The CHAIRMAN. We hope they will come, because I think it will be interesting to hear from them, and we want to hear both sides of this matter, so we will be happy to have you provide them, Senator Simon.

Senator SIMON. Let me just add a couple of other comments.

At the very least, it seems to me your company did not handle things well. Its public relations in that community are not good.

When you say that no customer will come in and pick up at your plant gate, I can believe that, and I think that would be true if there were no one within 10 miles of your plant, because the community attitude there toward your company right now is not a good one.

Mr. MCINTYRE. But, sir, the customers are not from the community. The customers are from outlying areas. They are not relative to the community at all. They just have to drive through it, and because of that, they will not.

Senator SIMON. Well, I don't know where your customers are coming from, but let me just say, when I say community I don't mean just Joppa or Metropolis; I mean that whole area. The general picture that your company has created for itself is not a good one.

Let me just add that I have never hesitated to call on, in cases where it is necessary—and one case is referred to in this testimony by yourself here; another case at the coal terminal down there—I was the one who called the superintendent of State police asking for State police to come down. No one from your company contacted me. You mentioned a variety of people you have contacted. In other situations, I have been contacted. No one has.

I think, among other things, we can all learn from these things. I am sure the unions can examine what they have done and learn to handle things better. I hope your company will, also, and you, yourself, will look at how you have conducted yourselves in this situation and say, Do we have these eruptions, these violent eruptions, in a few instances, in labor-management relations simply because one side is all good and the other side is all bad? Or do we need a general improvement in the atmosphere, and how can we create that general improvement?

We want that plant to stay in Illinois.

Mr. MCINTYRE. We are kind of interested in it, too.

Senator SIMON. Well, but I think, if your plant is going to operate successfully, forgetting violence entirely, you have to improve your labor-management situation, and I hope you will do that.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you, Senator Simon. I appreciate the considered and, I think, moderate way you have approached this matter here today.

Let me just finish it up with you, Mr. McIntyre. Well, let me ask you, Mr. Lang. Mr. Lang, you and Mr. Mitchell are labor lawyers?

Mr. LANG. That is correct.

The CHAIRMAN. Give us some knowledge of labor law. Once a strike begins, neither side has an obligation to do anything more for the other side, do they?

Mr. LANG. Well, even once a strike begins, there is still a legal obligation for the company and the union to continue to negotiate. In fact, since the strike began in June 1984, negotiations between the company and the union have continued, sometimes more frequently than at other times.

But the National Labor Relations Board, which is the agency charged by Congress with the responsibility for overseeing labor-management relations, has extensively investigated the company's conduct in this matter.

The CHAIRMAN. I understand. I want to get some basic law understanding here so everybody understands it.

Senator Metzenbaum has continually talked about the company that you represent hiring strikebreakers. Did you consider them strikebreakers?

Mr. LANG. No, not at all.

The CHAIRMAN. How would you characterize them?

Mr LANG. The company characterizes and considers these people as replacement employees.

The CHAIRMAN. Does a company, once a strike starts, the second a strike starts, does it have a right to try to replace those employees?

Mr. LANG. That right is clearly established in the law.

The CHAIRMAN. Now, you can understand why the union members who have lost their jobs, in essence, would consider them strikebreakers, is that right?

Mr. LANG. Correct.

The CHAIRMAN. But to the company, those are people who are company savers in the sense that they are willing to work under certain terms and conditions. Is that correct?

Mr. LANG. That is correct.

The CHAIRMAN. So, I suppose what we have here is use of semantics, but the key point is that the law provides that the company has a right to hire replacement workers to keep itself in business. Is that right?

Mr. LANG. That is clearly so.

The CHAIRMAN. And so it is not fair to call them company savers, although they may act as that; neither is it fair to call them strikebreakers, although, in effect, it makes the strike less effective. Is that right?

Mr. LANG. That is correct.

The CHAIRMAN. In other words, the one single term that the law would provide to these people is employees.

Mr. LANG. That runs true in each instance.

The CHAIRMAN. So, personally, I felt it was a little much to have the word bandied about here like it is some term of art, when in fact it is not a term of art; it is the accusation of one side that naturally is upset about it.

Mr. LANG. That is absolutely correct.

The CHAIRMAN. It is certainly not the belief of the other side, which is also naturally upset about it, and it certainly is not fair to those who want to work under the terms and conditions that are offered them in the regular jobs provided by, in this case, this company. Is that right?

Mr. LANG. That is correct, sir.

The CHAIRMAN. So I am concerned. Frankly, the purpose of today's hearing is not necessarily to discuss labor law, which it seems to me we have had a poor discussion of, but to look into violence stemming from a labor dispute. The purpose of this hearing is not to look into the current negotiating tactics and mistakes made by either the union or the employer. We are talking about violence, the picket line on the premises, off the premises, and even in the general community round about. Is that correct?

Mr. LANG. That is correct, sir, and whether or not there is sufficient legal redress in the present system to hold that violence in abeyance without any preference for one side or the other.

The CHAIRMAN. Well, I think, Mr. McIntyre—I want to hear from the union members—but I think you have sat there through some very difficult questions—whether they were fair or not, the people who listen will have to make up their own minds—but you have sat there, and you have answered those questions, and you keep coming back saying that the reason you are upset at these authorities out there is that they have not solved these problems.

In fact, the first time that these problems seemed to be solved was when we started to investigate the problems. Am I correct in that, or am I overstating that?

Mr. LANG. There is strong indication of that, yes, sir.

The CHAIRMAN. In other words, since we started the investigation, the problems have somewhat diminished. Is that correct?

Mr. LANG. Correct.

The CHAIRMAN. Are they still going on now, Mr. McIntyre?

Mr. MCINTYRE. No, sir, nothing of really violent nature is going on at this time.

The CHAIRMAN. OK. Now, to give the union its opportunity to be here—and I would hope you people will be in the audience, so if we have any questions—I know it is an inconvenience to you, but not nearly the inconvenience you have been through over the last almost, I guess, 9 months or more.

Mr. MCINTYRE. One thing I would like to say. One of these two Senators talked about, we haven't been getting anybody to take our side. We don't want anybody to take our side. We would like to see it such that they don't have to take sides. Just enforce the laws that are in place; that is all we want. That has not been done. We would like to see something done by you and your committee to see that that would happen from now on.

The CHAIRMAN. Well, I understand that, and we want to give the union its fair opportunity. We offered for them to come in here today, and they refused. I can tell you that their assertion that they were only offered 15 minutes is an unmitigated lie. To be honest with you, I have never held a hearing where I haven't given them an opportunity or the time that they have needed, and I should, and I am personally offended by anybody thinking that I would not. If my staff said that, which they claim they did not, then they would have to change it because I wouldn't put up with it.

So we are going to sit next Thursday, March 7, beginning at 9:30 a.m., and I hope that the local union leaders, David Beck, Roger Barnhill, Jess Kester, Jeff Adams, and Carl Medley, all show up at that hearing. I would like to see them here.

They can bring their labor lawyers with them, as you have, and they can be helped in their testimony as you have had assistance from counsel here today. But they are going to have that opportunity. It will be next Thursday. We will give them a week's notice, a little over a week's notice, and that is fair, and we will just see what they have to say about these problems.

I believe you have been forthright in what you have had to say about these problems, and I think, whether or not the fact that we

are not bringing in 100 witnesses so we can establish everything as a court of law would, without hearsay, you still have testified from personal knowledge that these things have occurred; you have talked to these people, and, frankly, these are problems that should not exist in America. Is that a fair statement?

Mr. LANG. Yes, sir.

The CHAIRMAN. All right.

With that, let me turn to the next set of witnesses.

Next we will hear from several panels of victims of strike violence in this matter.

Our first panel will be Mr. Ted Pugh, who is president of Security Resources, Inc., of St. Louis, MO; Gary Miller, an associate of Mr. Pugh; and Delbert Sullivan, Terminal Manager of Commercial Transport, Inc., of Joppa, IL.

So I would like you gentleman to exchange seats with Mr. McIntyre's entire panel, and if we could have all of you raise your hands, we will swear you in.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

The WITNESSES. I do.

We will begin with you, Mr. Pugh. Why don't we go ahead and have you testify?

STATEMENT OF TED PUGH, PRESIDENT, SECURITY RESOURCES, INC.

The CHAIRMAN. Mr. Pugh, I understand that none of you brought statements with you. Let me see if I can bring it out through questions.

Let's start with you, Mr. Pugh. Will you please state your full name and your address for the record, and your occupation?

Mr. PUGH. My name is Theodore Pugh. I am located in St. Louis, Missouri, and I am president and chief executive officer of Security Resources.

The CHAIRMAN. What is your relationship with Missouri Portland Cement Co.?

Mr. PUGH. I am currently a contractor providing security services.

The CHAIRMAN. Have you ever provided emergency support services?

Mr. PUGH. Yes; I have provided emergency support services in the past.

The CHAIRMAN. What does that consist of, or in this case, what did it consist of?

Mr. PUGH. Emergency support services in general are just that. In any emergency condition, my organization can bring in food, housing, medical supplies, medical staffing, and transport.

The CHAIRMAN. I see.

Mr. PUGH. In the case of a labor dispute as we have here, we provided just those services.

The CHAIRMAN. In what capacity were you attempting to enter the plant on June 15, 1984?

Mr. PUGH. As the leader of a convoy bringing in the previously mentioned supplies.

The CHAIRMAN. So you were bringing in what?

Mr. PUGH. Bedding and housing trailers.

The CHAIRMAN. Bedding and housing trailers, so that people could live on the property as a result of the strike?

Mr. PUGH. Yes, sir.

The CHAIRMAN. Will you tell us what happened that particular night?

Mr. PUGH. Well, on the night of June 15, at approximately 10:15 p.m., I approached the front gate of Missouri Portland Cement with a convoy of three cars and several trucks, and at the front gate we were met by approximately 50 to 60 people who were armed with pipes, baseball bats, ax handles, various types of clubs.

The CHAIRMAN. Were they blocking the gate?

Mr. PUGH. Yes, sir.

The CHAIRMAN. What happened?

Mr. PUGH. Well, I attempted to enter the gate and drove my vehicle to the front gate itself, within feet of it. They blocked my car with their bodies and then began to push the vehicle back, telling me that I couldn't enter the plant.

Approximately 11 to 12 people sat upon both sides of the car and began to rock it until the——

The CHAIRMAN. You mean they rocked the car back and forth from side to to side?

Mr. PUGH. Yes, sir; until the left side of the car completely came off the ground.

At that point, in somewhat fear of my safety and the safety of the passengers in the car, I backed away from the gate.

The CHAIRMAN. Did you have some passengers with you at the time?

Mr. PUGH. Yes, sir.

The CHAIRMAN. How many?

Mr. PUGH. There was one in my car, an employee of the company.

The CHAIRMAN. Had you asked for a police escort?

Mr. PUGH. Yes, sir; I had called the State police prior to going to the plant, and the State police had advised me that they have several officers meet me at the gate.

The CHAIRMAN. Did they?

Mr. PUGH. No, sir; not at the time I arrived.

The CHAIRMAN. I see. Did you ask them about that afterwards?

Mr. PUGH. Well, a police car did arrive as the incident progressed.

The CHAIRMAN. I see. As I understand it, you reversed your car and you decided to leave.

Mr. PUGH. Well, I backed away from the gate. I signaled for the convoy to follow me, and we continued what would have been north on the Joppa Road which runs in front of the plant. We got lost. These are two-lane blacktop roads that criss-cross and intersect.

We were also passed by approximately five pickup trucks with numerous people in the back of them. We were afraid they might block the road down in front of us, so we turned around and attempted to go back to our staging area by the same route that we

had traveled, which would take us back to the front gate of Missouri Portland again.

The CHAIRMAN. And what happened?

Mr. PUGH. Well, fearing that there might be a confrontation, I had the convoy wait about 100 yards down the road, and I drove to the front gate myself. I got out of the vehicle and shouted to the crowd, would we be allowed to come back down the road and leave? One member of the group said yes, we could, but for us not to attempt to enter the plant.

At that time, a State police car showed up with one officer in it. I walked——

The CHAIRMAN. Do you know the man's name who said that?

Mr. PUGH. The man who said we could come by and not to enter the plant?

The CHAIRMAN. Yes, that you couldn't go in the plant.

Mr. PUGH. His name was Jess Kester.

The CHAIRMAN. He said you could come by but you couldn't go in the plant?

Mr. PUGH. Yes, sir.

The CHAIRMAN. I see.

Mr. PUGH. I did not know his name at the time.

The CHAIRMAN. But are you sure his name is Jess Kester?

Mr. PUGH. Yes, sir; again I saw a State police car pull up, so at that point, I walked over to the State police car and spoke to the police officer himself. I advised him that I had a convoy of materials that needed to enter the plant and that currently the road was being blocked, and that the people blocking the road were interfering with interstate commerce and my ability to fulfill my contract.

The State police officer told me that they were picketing, they were on strike, and they had every right to block the gate and the road.

The CHAIRMAN. That is what the State patrolman told you?

Mr. PUGH. Yes, sir.

The CHAIRMAN. What else did he say?

Mr. PUGH. Well, I protested——

The CHAIRMAN. And what did you do?

Mr. PUGH. Well, I protested again. I know that not to be true. I again protested, saying we had the right to enter the gate, and I wished that he would perform his duties.

The CHAIRMAN. And what did he say to you?

Mr. PUGH. At that point, the officer looked me dead in the face and said—and this is a quote—"Boy, you'd better leave."

At that point, I did.

The CHAIRMAN. Chairman. Did you take offense at that?

Mr. PUGH. I am sorry, sir?

The CHAIRMAN. Did you take offense at his saying that to you?

Mr. PUGH. Not really.

The CHAIRMAN. Did you leave?

Mr. PUGH. I started to leave, to walk back to my car, which was 25 to 30 feet from him.

The CHAIRMAN. And what happened?

Mr. PUGH. At that point, about three people came out of the crowd, one up to me and struck me with a pipe.

The CHAIRMAN. Say that again. One what?

Mr. PUGH. One person—three people came toward me, but one of the three struck me with a pipe.

The CHAIRMAN. So one of the three who came toward you hit you with a pipe?

Mr. PUGH. Yes.

The CHAIRMAN. Where did he hit you?

Mr. PUGH. Across the back and shoulder, upper arm.

The CHAIRMAN. I see. What did the State trooper do at that point? Did he see that?

Mr. PUGH. Yes, sir.

The CHAIRMAN. What did he do?

Mr. PUGH. He took no action whatsoever. As a matter of fact, he and about six or seven other people laughed, or were laughing——

The CHAIRMAN. After you got hit on the back?

Mr. PUGH. They were laughing when I looked back at them. I don't know what they were laughing at, but they were looking directly at me and laughing.

The CHAIRMAN. Did you know the name of the State trooper?

Mr. PUGH. No, sir, but I knew his car number.

The CHAIRMAN. What was that?

Mr. PUGH. It was 115.

The CHAIRMAN. Number 115?

Mr. PUGH. We attempted to find out who the officer was, and to the best of my knowledge, we have been unable to do so because the State police said they didn't know who was in that car.

The CHAIRMAN. Did you attempt to enter the plant again on the following day?

Mr. PUGH. Yes, sir.

The CHAIRMAN. What happened?

Mr. PUGH. It was approximately 7 in the evening, and we were this time met by a convoy of State police officers and sheriff's deputies. We were escorted from Metropolis, IL, to the plant by approximately eight police officers.

The CHAIRMAN. Were you carrying the same things—bedding, linens, housing?

Mr. PUGH. Well, no. We had only one trailer this time with bedding and linen because my other vendors refused to fulfill their contracts after the first night.

The CHAIRMAN. Well, what happened?

Mr. PUGH. We approached the gate. We were then stopped by a large number of picketers at the gate. The sheriff and a State police officer went to the gate and spoke with several picketers including the president of the union. They came back and forced my driver and the passengers in the truck to get out of the truck, at which time the union members searched the cab of the truck. They then came to the back of the truck and told the driver to open it.

At that point, I got out of my vehicle and protested that they had no right to open my truck. The State police officer said that we would have to do it, and the State police had already looked inside the truck, so they knew what was in it, but they made us open it again, and they allowed union members to climb into the back of the truck and climb all over the articles that were in the truck.

While we were waiting for them to inspect the truck, people began to arrive, I guess, who had been advised that the convoy was

coming. The crowd grew to maybe 90 to 100 people, and they were parked on both sides of the road.

While we were waiting to enter, the State trooper and the sheriff came back to my vehicle, and they told me that the truck would be allowed in but none of my employees who were there to unload the truck would be.

I again protested that that is what my job was, to bring the bedding in and to unload all the supplies. The State trooper told me at that point that it was not worth it to him to try to get my people into the plant. He felt there would be violence if he tried to get us in there, and he said that my people could get hurt, the picketers could get hurt, and police officers could get hurt.

He asked that we leave the scene. I again protested because I was responsible for the safety of the driver. They told me to leave, so at that point we left or attempted to leave.

Two vehicles at that time pulled, one in front of us and one behind us, and blocked my vehicle so I could not leave. I had to honk for the State troopers to come back and make it possible for us to move our vehicle and actually leave the scene. The two troopers came back, and they made the people move away from my car and made the truck move so we were no longer blocked.

As we proceeded back to Paducah, KY, two compact vehicles, both occupied by people who were later identified as being strikers, pursued us from Joppa to Metropolis, IL, at speeds in excess of 70, 80 miles an hour. These people had the same clubs and sticks in their vehicles.

The CHAIRMAN. Why were you going to Metropolis?

Mr. PUGH. That was the only way back to Paducah, KY.

The CHAIRMAN. I see.

Mr. PUGH. They pursued us, trying to run us off the road, swerving toward the side of our car, until we reached the city limits of Metropolis, at which time they stopped.

The CHAIRMAN. As I understand it, you left behind the driver and the tractor-trailer?

Mr. PUGH. That is correct, sir.

The CHAIRMAN. What happened to them?

Mr. PUGH. Well, again, we went back to Kentucky, and the State police had assured me that they would see that the driver got out safely. When the driver arrived back at the hotel, two men accosted him in the parking lot, struck him several times in the face, and he required medical treatment at Lord's Hospital there in Kentucky.

The CHAIRMAN. Was the hotel the Drury Inn?

Mr. PUGH. Yes, sir, it was the Drury Inn.

The CHAIRMAN. And the two people who assaulted him, were they two white men?

Mr. PUGH. They were two white men, and there was a third man in a black Pinto that had Illinois plates.

The CHAIRMAN. I see. Did he go to the hospital?

Mr. PUGH. Yes, he did, sir.

The CHAIRMAN. He was treated at the local hospital, then?

Mr. PUGH. He was treated at Lord's Hospital and released.

The CHAIRMAN. And what was he treated for?

Mr. PUGH. Abrasions and lacerations about the face and mouth.

The CHAIRMAN. I see.

Mr. PUGH. I might add that he quit immediately.

The CHAIRMAN. He quit your employment?

Mr. PUGH. Yes, sir.

The CHAIRMAN. Were your employees attacked on any other occasions?

Mr. PUGH. Multiple occasions, sir.

The CHAIRMAN. With regard to this cement plant?

Mr. PUGH. Yes, sir.

The CHAIRMAN. That is over what period of time?

Mr. PUGH. From June 15 until the latest, I guess, major would have been about October 4 when they shot the van up.

The CHAIRMAN. How many men were involved?

Mr. PUGH. I am sorry?

The CHAIRMAN. How many employees were attacked, of your employees?

Mr. PUGH. Approximately nine. Some of them were multiply attacked. Let me kind of explain. We operated a transport van were we drove either personnel or goods to the plant. On these trips to the plant, the first occasion, we had a brick thrown through the windshield of the vehicle. The driver and his rider were cut but not seriously injured.

The second occasion was a soda bottle through the windshield, where again the driver and the passenger——

The CHAIRMAN. Was this by the strikers?

Mr. PUGH. In one case a striker was identified. We had a court hearing—injunction, not a criminal hearing. He was not found guilty. Evidence produced later after the hearing was closed and was not reopened may have proven his guilt, but we were not allowed to introduce that additional evidence.

On the two occasions with the other brick, we were not able to identify anyone.

On the third occasion with the brick, we were able to identify someone. It was a passing car that threw a brick through the windshield, and the vehicle and the driver were identified by one of my passengers and by a, I guess you might say a casual witness, another car that was on the road behind us. Fragments of the brick either struck their car or went around our car after it hit our vehicle.

The CHAIRMAN. Do you know his name?

Mr. PUGH. I believe it was a Mr. and Mrs. Smith.

The CHAIRMAN. Were the people who perpetrated these acts part of the striking employees?

Mr. PUGH. Yes, sir.

The CHAIRMAN. Were your vehicles damaged when you tried to enter the plant during the strike?

Mr. Pugh, Well, the bricks, the rocks—the first night lights were broken. There were dents in the hood from these pipes and sticks.

The CHAIRMAN. As I understand it, they threw bottles at the windshields, slashed tires, threw bricks at the windshields.

Mr. PUGH. Yes, sir. It went further because, as this progressed, we had multiple vehicles. Our brown van was shot one time on the Joppa road approximately a mile from the plant, a single .22 bullet. This was reported to the police, who, short of taking a

report, made no attempt to investigate it and did not go to the crime scene at all to search for any types of clues.

The CHAIRMAN. Well, did the police offer you any protection from these attacks?

Mr. PUGH. No, sir. They also failed to respond to requests for escort and said that it was not their duty to escort private contractors.

The CHAIRMAN. You asked them to protect you?

Mr. PUGH. Yes, sir.

The CHAIRMAN. Did you try to protect yourselves?

Mr. PUGH. As best we could. We installed special equipment on the vehicles, tires that could not be deflated, special foam-filled tires. I installed special grating on the windshields of the trucks, for which I received multiple tickets, even though the vehicle was not in violation of the law.

The CHAIRMAN. You got tickets from the State police, or were they the local police?

Mr. PUGH. The State police, the county police, and the city police.

The CHAIRMAN. Even though you had installed these for the protection of your workers and your employees?

Mr. PUGH. And even though they knew why we had installed them.

The CHAIRMAN. How many tickets did you receive?

Mr. PUGH. Approximately 27 either actual court citations and/or warning citations.

The CHAIRMAN. I take it a number of those were tickets for what they called obscured vision?

Mr. PUGH. Obscured vision.

The CHAIRMAN. But you are saying that that was not a violation?

Mr. PUGH. Not under Missouri law, where the vehicle was registered and had a safety inspection. And the obscured vision is, to some extent, an opinion. If I hold my hand up like this, I have obscured vision. If I put up a concrete wall, I have also obscured vision, but one certainly is not the same as the other. So it became a matter of opinion.

The CHAIRMAN. Did you ever have to pay any of those 27 tickets?

Mr. PUGH. No, sir.

The CHAIRMAN. What happened to them?

Mr. PUGH. We obtained legal counsel and, to the best of my knowledge, all the charges were dropped.

The CHAIRMAN. Were you or your employees ever detained by the police in conjunction with those tickets?

Mr. PUGH. Multiple occasions.

The CHAIRMAN. You mean they actually detained you and held you?

Mr. PUGH. Yes, they took the fellows to the police station and questioned them on many occasions.

The CHAIRMAN. I understand one of your drivers was a female driver. What happened to her?

Mr. Pugh. She was taken to the Massac County Sheriff's Department, not charged with any crime, and strip-searched.

The CHAIRMAN. She was strip-searched?

Mr. PUGH. Yes, sir.

The CHAIRMAN. By women officers, I am sure.
Mr. PUGH. There was a matron present.
The CHAIRMAN. There was what?
Mr. PUGH. A matron present.
The CHAIRMAN. Well, was she the only one present?
Mr. PUGH. A female jailer.
The CHAIRMAN. OK. But she was strip-searched?
Mr. PUGH. Yes, sir.
The CHAIRMAN. What was the basis for her strip-search?
Mr. PUGH. We were not told.
The CHAIRMAN. I see.
Mr. PUGH. I might add that none of the men who were brought to the police station at any time were ever strip-searched.
The CHAIRMAN. Not one?
Mr. PUGH. To the best of my knowledge, no, sir.
The CHAIRMAN. Was she allowed to call counsel or make any phone calls?
Mr. PUGH. Not until she was released.
The CHAIRMAN. Not until she was strip-searched and released?
Mr. PUGH. Yes, sir. I was advised that she had been picked up, and when I attempted to find out what was wrong, the sheriff's department would release no information about it.
The CHAIRMAN. Mr. Pugh, was your life threatened during the strike?
Mr. PUGH. Multiple times.
The CHAIRMAN. Tell us about those.
Mr. PUGH. I was threatened at the front gate and on the property as I drove in and out. People would say, "We're going to get you." "We'll kill you for this." The most frightening and disturbing to me was the fact that my home was called. My wife was told that I would be killed, that our home would be burned.
It was surprising because I have an unlisted, silent number. So I found it surprising that this number could be reached. These calls went on for a period of about 3 months, on and off. They finally stopped making actual threats upon my life, but they would make calls in an official capacity saying that I had been killed in a car accident or I had been killed in a plane crash.
The CHAIRMAN. Like they were State officials?
Mr. PUGH. Yes, sir.
The CHAIRMAN. I see.
Mr. PUGH. I won't say State officials.
The CHAIRMAN. Or Government officials.
Mr. PUGH. Government representatives.
The CHAIRMAN. Did you have to protect your home at any time?
Mr. PUGH. Well, after the threats upon myself and after several shootings at other people's residences, I put an armed guard at my home. I took additional security measures that I really wouldn't want to discuss here.
The CHAIRMAN. Did you feel that any of the animosity displayed toward you had racial overtones?
Mr. PUGH. Yes, sir.
The CHAIRMAN. Tell us about that.
Mr. PUGH. Since the day of June 15 to present, whenever we have come in contact with any of the people that we knew as pick-

eters or former employees, we always received a barrage of racial slurs: "Nigger, go back to St. Louis."

One of my main drivers, I distinctly remember they said they were going to knock the black off of him. It was just a continuation of those types of things almost too numerous to remember all of them.

The Chairman. Your firm is a minority business enterprise?

Mr. PUGH. Yes, sir. We are certified by the U.S. Government as a small and disadvantaged business.

The Chairman. I see. Could you approximate for the committee the amount of damage which your company suffered as a result of the violence that has been described here today by you and by other witnesses?

Mr. PUGH. Monetary damage, sir?

The CHAIRMAN. Sure.

Mr. PUGH. I would say that replacement of damaged parts to the vehicles, special equipment that I was not able to bill my client for, and things that I would call extraordinary costs would be in excess of $25,000.

The CHAIRMAN. Were you able to handle that?

Mr. PUGH. Yes, sir, but it hurt.

The CHAIRMAN. Sure.

Mr. PUGH. When you are small to start with, it is difficult just to get by, and our company is in a growing stage. So when we got a contract serving a company the size of Missouri Portland, and for a little guy like ourselves, we were quite honored that we were chosen, and we were thrilled to death about it. As a result, it has ruined what we thought would be a good profit margin job.

The CHAIRMAN. Do you feel that the FBI could do a better job of policing these incidents than the local or State police did in this case or these cases?

Mr. PUGH. I don't know that the FBI could do a better job. The police officers, if they would do their job to start with, could probably do it satisfactorily. It is just that the job was not done.

I would like to state that I am a former police officer and have degrees in law enforcement, and I think I am qualified to tell when a criminal act has been committed and when law enforcement should take certain steps, an example being the evening that one shot was fired at the van. I, as a law enforcement official, would have at least gone to the crime scene and looked for evidence. They didn't.

When bricks were thrown at the vehicle, nothing was done other than a report. Even in cases that did not involve my people directly, where previous testimony said that the injunction, the civil injunction, had found, I believe, three to five people guilty of violating the injunction, no criminal charges were ever brought against them. So one court said they're guilty, and the police didn't care to follow it up.

The CHAIRMAN. So what you are saying is that, as a former policeman, if the local or State police wanted to do their jobs, they could have done so.

Mr. PUGH. Certainly.

The CHAIRMAN. In all of these instances——

Mr. PUGH. They just didn't. They just plain didn't do the job.

The CHAIRMAN. Did they ever give you any reasons why they didn't?

Mr. PUGH. No. One deputy—and I guess you might call this hearsay—one deputy told us that he was told to pick on us with the tickets.

The CHAIRMAN. Is that right?

Mr. PUGH. And I am fully cognizant of the fact that if you look at the social-economic structure of southern Illinois—and you have to remember that these sheriff's deputies live in that county, that these State police officers live within that area, and that these people have to live there on an ongoing basis—and to do something that might be considered unpopular would have an effect on them in the community.

So I think, in these particular cases, some outside law enforcement could have acted without reprisals when the——

The CHAIRMAN. So you are saying maybe the Federal Government should have been brought in if the State and local governments were unwilling to do the job?

Mr. PUGH. Yes sir.

The CHAIRMAN. And you are saying they were unwilling to do the job, the State and local governments?

Mr. PUGH. Exactly.

The CHAIRMAN. And you feel it may have been because they lived in the community.

Mr. PUGH. That is part of it, at least at that level. The State police, though, cover just that—the State. So there are police officers employed by the State of Illinois who do not live in the area, who could have been brought to that area to protect us.

The CHAIRMAN. But were they, to your knowledge?

Mr. PUGH. At one time, a large contingency was in the area for a week, maybe, and suddenly disappeared, and I don't know why.

The CHAIRMAN. I see.

Let me turn to you, Mr. Miller, for a few questions.

STATEMENT OF GARY W. MILLER, FORMER EMPLOYEE OF SECURITY RESOURCES, INC.

The CHAIRMAN. Would you please state your complete name for the record and what you do for employment.

Mr. MILLER. Gary Wayne Miller, and at present I am an over-the-road truckdriver.

The CHAIRMAN. For whom?

Mr. MILLER. I run for a company called TA Trucking out of St. Clair, MO.

The CHAIRMAN. At the time, whom did you work for?

Mr. MILLER. I was working for Dr. Pugh in Security Resources.

The CHAIRMAN. So you worked with Mr. Pugh here?

Mr. MILLER. Yes, sir.

The CHAIRMAN. In what capacity were you working on the morning of November 4, 1984?

Mr. MILLER. I was running a video camera on the van service run to Missouri Portland Cement.

The CHAIRMAN. Would you describe what happened for us?

Mr. MILLER. Well, at approximately 7:20 a.m. on the morning of the 4th of November, we were taking a load of employees to Missouri Portland Cement. There were myself, Frank Benton, who was acting as the vandriver that morning, and four employees of the company.

We were going toward the plants on the Joppa Road, and just after making a 90-degree turn on the Joppa Road and before going over a small hill, we started receiving fire from a .22 either rifle or pistol, I don't really know which.

We could hear the report of the weapon, and the bullets were striking the van. The back window disintegrated on one side, and I felt something hit me in the head, and I yelled at the driver, "We're hit; get us out of here."

The employees, who had been lying down in the back of the van, a couple of them started to sit up, and we told them to stay down. Very shortly thereafter, we were over a hill and then out of range.

The CHAIRMAN. You say one of the bullets hit you in the head? It ricocheted, did it?

Mr. MILLER. Yes, sir. The bullet that struck me came in through the back window of the van and through the back seat and ricocheted and hit me across the right temple.

The CHAIRMAN. You are talking right up here on the right temple?

Mr. MILLER. Yes, sir.

The CHAIRMAN. I see. Where was the truck located at the time that these shots occurred? Was it near the plant?

Mr. MILLER. It was approximately a mile-and-a-half from the plant, sir.

The CHAIRMAN. I see. Did you see the person who was shooting?

Mr. MILLER. No, sir.

The CHAIRMAN. As I understand it, the driver just gunned the vehicle and tried to get out of there.

Mr. MILLER. Yes, sir.

The CHAIRMAN. Do you have any idea what kind of weapon it was? You said it was a .22.

Mr. MILLER. It was a .22, sir. I don't know if it was a rifle or a pistol.

The CHAIRMAN. They must have been able to shoot rather fast in order to get eight shots.

Mr. MILLER. Yes, sir.

The CHAIRMAN. Did you have eight holes in the van or what?

Mr. MILLER. Yes, sir. There were eight holes in the rear of the van.

The CHAIRMAN. Including the fractured window, I take it.

Mr. MILLER. Yes, sir.

The CHAIRMAN. Were you hospitalized?

Mr. MILLER. I did receive treatment at the Lord's emergency room and also first aid.

Mr. CHAIRMAN. So the bullet didn't penetrate, it just grazed you?

Mr. MILLER. It just grazed me.

The CHAIRMAN. It grazed you up here on your right temple?

Mr. MILLER. Yes, sir.

Mr. PUGH. Pardon me, sir. There were actually nine places where bullets struck the vehicle.

The CHAIRMAN. Including the window? The window was an extra one, then.

Mr. PUGH. The window was one. The State police found eight bullet holes and recovered—four bullets?

Mr. MILLER. Yes.

Mr. PUGH. Recovered four bullets.

The CHAIRMAN. Were there actually bullet holes in the van itself.

Mr. PUGH. Oh, yes, sir; all down the back door. If you consider the situation, these shots were fired directly behind the van so that they went into the back swinging doors, and all eight shots went into either the right or left-hand door or through the window on the door, and these bullets then would have traversed the entire length of the vehicle. It was the grace of God that people weren't killed.

The CHAIRMAN. Did you get knocked out or did it daze you?

Mr. MILLER. No, Sir. It stunned me for just a second, and after that, we just were concentrating on getting out of there. We weren't really looking to see if anybody was back there.

The CHAIRMAN. What makes you feel that the shots that were fired into the van were related to the strike?

Mr. MILLER. Well, it is not normal that you are driving down the road and somebody unloads on you. [Laughter.]

The CHAIRMAN. I think Senator Metzenbaum would have lots of trouble with your testimony. [Laughter.]

I think he would be the only one in this country who would.

Mr. PUGH. There were some statements made to us about that.

Mr. MILLER. Prior to this.

Mr. PUGH. The first vehicle that was shot was a brown van. After that occurred, one of the members of the union, a Jeff Adams, told us that the white van would be next.

The CHAIRMAN. Was that the van they were driving?

Mr. PUGH. One fellow told us our vehicles were going to be shot. That is when the brown one was shot. About 2 days later, as the brown one was going in the gate, one of the strikers at the front gate said, "We got the brown one; the white one's next."

The CHAIRMAN. I see.

Mr. PUGH. So when it was shot up, our immediate thought was that it was union related. It is odd that I have vans driving in multiple cities around the country, and this is the only place where my vans are shot up. Joppa is the only place where people break my windshields.

So I have to assume from the continuation of damage that I am suffering in this area, while it is not happening anywhere else in the country, that it would certainly be union related.

The CHAIRMAN. I see.

Let me turn to you, Mr. Sullivan.

STATEMENT OF DELBERT SULLIVAN, TERMINAL MANAGER, COMMERCIAL TRANSPORT, INC.

The CHAIRMAN. Give us a brief sketch of your background, what you do.

Mr. SULLIVAN. My name is Delbert Sullivan. I am employed by Commercial Transport. We are engaged in the transportation of the finished product out of Missouri Portland Cement Co., located in Joppa, IL, to the various customers that are Missouri Portland's.

The CHAIRMAN. So you are the commercial manager?

Mr. SULLIVAN. That is correct.

The CHAIRMAN. Or the terminal manager, I guess.

Mr. SULLIVAN. That is correct.

The CHAIRMAN. You said that you are terminal manager for Commercial Transport, Inc., which had a contract with Missouri Portland Cement Co.; is that right?

Mr. SULLIVAN. I am not certain about a contract.

The CHAIRMAN. But you did work for them?

Mr. SULLIVAN. We have hauled through there, Commercial has, since 1967.

The CHAIRMAN. Is your company considered the prime carrier for Missouri Portland's Joppa plant?

Mr. SULLIVAN. It is.

The CHAIRMAN. Now, as I understand it, you carry the finished product to Missouri Portland's customers; is that right?

Mr. SULLIVAN. That is correct.

The CHAIRMAN. Have you had this same business relationship with Missouri Portland since before the strike?

Mr. SULLIVAN. We hauled before the strike; yes, sir.

The CHAIRMAN. I see. You have worked with your company since 1967 as I understand it.

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. Were you ever a target of union violence during the strike?

Mr. SULLIVAN. All the way through it.

The CHAIRMAN. All the way through?

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. On a number of occasions?

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. Tell us what happened.

Mr. SULLIVAN. Well, from day 1, on the first day, we were turned down at 4 a.m. The drivers called in and said there were picketers, a large amount of picketers at the gates, so I instructed them to come back to the terminal, and I in turn had anticipated that there might be a strike and had nonunion workers hired to drive the trucks into the plant and to load, so I called one of the nonunion workers, told him to meet me at the terminal.

I went down to the terminal and told him to go to Missouri Portland, try to go through the gate, and if he couldn't get through the gate, to come on back to the terminal.

So he made an attempt about 7 a.m., 7:15. He came back to the terminal and said there were pickets everywhere and that he was stopped on the way back as he came to an intersection, and a man in a pickup truck told him that if he came back, he would kill him.

So I in turn called the management at Missouri Portland and told them that we were unable to get through the gate, and they stated to me that there would be some State police there and that we should try to come back a little later, which we did, about 9 a.m. that same morning.

I instructed the driver to go west into the plant, and there is what we call a country block, where we can come in and enter in from the north and meet at the same place, and I had radio contact with this man.

I instructed another employee to drive me to the gate from the opposite direction. As we were on the way, the driver told me, "That same pickup truck has got me stopped again," and I told him just to try to keep moving on slowly toward the gate, and I couldn't see him at this time, but as I came to the eastbound road, the truck was stopped by a maroon Dodge pickup truck.

At the gate area, there must have been 50 or 100 picketers, cars everywhere, and we drove down and parked beside the maroon pickup truck that had our vehicle stopped, more or less in the middle of the road. In the pickup truck were Roger Barnhill and Dave Beck.

So I asked if they could please let our truck through, that we had to make an attempt to get through the gate in order to maintain our authorities. Another picket was running up the road in front of us toward us, and as he came by our truck, he jumped up on the fender or the steps and was beating on the doors, had a picket sign in his hand, and he ran on up to the vehicle that we were in, and he reached in as though to grab the man that was in the pickup like he was going to hit him, but he didn't, and he backed off.

Mr. Beck told us that we had better stay out of there or somebody was going to get hurt. Another man, Dennis Anderson, pulled up some way in a pickup truck, pulled up beside us, and said, "If you will stick with us, we'll take care of you, but if you don't, you're going to get hurt." I said, "We don't want any trouble with anybody; we're just trying to do our job. Our union tells us that we have to go through, and our company tells us we have to go through."

We had several threats, and then a large group of people started running toward us, and the man that reached through the truck that acted like he was going to hit our other employee was Jess Kester.

We managed to back up, and when we did, we passed on the wrong side of the road, and our truck managed to get through and came back to the terminal. We had numerous attempts where we would go to the plant. We could get through normally without too much trouble when the State police were there. We would still receive flat tires, nails, bottles hitting the vehicles, and profanities.

I asked the State police if they could escort us, and they said that they were not there to escort us, that their main purpose for being there was to try to keep someone from getting killed.

We sustained numerous amounts of nails in our tires, windshields knocked out. We had four radiators shot. We had drivers quit. One driver came in, had blood running down the side of his face. The driver's door appeared to have been shot. I called the State police. A State policeman came out. He looked at it, and he said, "Yes, it is my opinion that it has been shot." My understanding later was that it was changed, that he didn't think it had been shot. He said that if they had the authority, they would clean the mess out, but again, they were not there to arrest anybody, but

they were there to keep someone from getting killed, and so far they have done that, to my knowledge.

But as I said, this particular driver with the blood running down his face, he quit. When he got in, he said, "I can't take it." He said, "I'm getting threats at home. My wife is being called saying that she is going to be killed if I continue to drive there." I had another driver come in and quit. He said, "I'm sorry, I just can't work. We're receiving too many threats."

We had a log thrown through the windshield. I had people call me and tell me who threw the log through the windshield. I called the local police department. I told them who threw the log. I told them where they were hiding, because the people that called me said they were hiding in a restaurant which turned out to be one of the headquarters for the pickets, and this was on Halloween night. There was nothing ever done, to my knowledge, in that particular case.

I had one truck coming through the city of Joppa. I received a phone call and I was told that one of my trucks had been shot. That was the story that I got. I asked the man if he would mind going out and getting the license number of the vehicle that had our truck stopped. He came back in and told me that the people in the vehicle that had our truck stopped told him that it was union business, for him to stay out of it and mind his own business.

I talked to this man—I called the sheriff's department and reported this. They advised me to call a wrecker and have our truck moved off the road. The person who called me made statements, signed statements, that he recognized the people that were involved, one in particular, a union member.

We just had all kinds of violence to our equipment.

The CHAIRMAN. When you say that they dropped nails from the airplane, is this typical, what I am showing you here?

Mr. SULLIVAN. That is one of them, but that is an antique version. They modified that one.

The CHAIRMAN. They got more efficient than this one? See, this one always lands with it pointing up no matter what you do.

Mr. SULLIVAN. That one only had one defect. When it goes in a tubeless tire, it won't cause it to go flat immediately.

The CHAIRMAN. I see.

Mr. SULLIVAN. They learned that if they drill a small hole through that and make it hollow, it would be an instant flat, and we had several drivers come in and take as high as nine nails out of one steering tire.

The CHAIRMAN. Is that right?

Mr. SULLIVAN. I asked the union president—we had a meeting. He came over and said that one of my scabs, as he called him, was making gestures at his people as he went through the gate to load, and I told him that I would remove him immediately from our employment, which I did, but in return, could he please have them not put nails under our steering tires due to the fact that the weight of those trucks, if a steering tire should blow at 50 miles an hour, the chances of a driver living are very slim. They could go on the wrong side of the road and wipe out a whole school bus, as far as that goes.

The very next truck that came back from the picket had two of those, one in each steering tire, and that was my answer from the union, is the way that I felt about it.

The CHAIRMAN. Now, as I understand it, your house was shot into?

Mr. SULLIVAN. That is correct.

The CHAIRMAN. By what kind of rifle, if you know?

Mr. SULLIVAN. I don't know. I had my opinion and reasons for my opinion. It was my opinion that it was a small caliber but high-powered rifle.

The CHAIRMAN. Tell us about that and what happened.

Mr. SULLIVAN. It was about 12:25 a.m. My wife and I were in bed. I was asleep, and I assume my wife was asleep, when we heard a noise that awakened us. I wasn't very much awake, but I told my wife, I said, "They're just throwing rocks at the house, so don't pay any attention to it."

I had something in my hand, and I couldn't figure what I had in my hand. I wasn't very well awake. The telephone rang, and my sister, who lives about a quarter of a mile away, said, "Are you all right?" I said, "What do you mean, am I all right?" And she said, "Didn't you hear those gunshots?" I said no, and she said, "Well, someone was shooting." I said, "No, you heard rocks hitting our house; that's all it was."

Then I told my wife, I said, "You know, I think I heard something come through a wall," and she said, "I think I heard glass." So she said, "I've got to check the kids." We sleep upstairs and the kids sleep downstairs.

When she turned on the light, to my right I looked and there was a bullet hole right through the wall, right above our bed, and I told my wife, "We've been shot." I looked in my hand and I had pieces of paneling fragments that had splintered from the wall, and all over the top of our bed, it looked just about like where squirrels had been eating hickory nuts, with splinters where the bullets had come through the bedroom.

One bullet had come through the headboard between my wife and me, just about head level. We went downstairs, and actually we crawled around, afraid to turn the lights on, downstairs where the kids were and checked them, and then we reported this to the local police department.

The CHAIRMAN. Did the police investigate this?

Mr. SULLIVAN. Yes, they did.

The CHAIRMAN. Who in the police?

Mr. SULLIVAN. Who were they?

The CHAIRMAN. Yes.

Mr. SULLIVAN. The acting sheriff, Mr. Tucker, came out with one of his deputies, and I believe the State police showed up. I am not certain that they came.

The CHAIRMAN. Did they ever come back to tell you what happened?

Mr. SULLIVAN. They told me that they would turn it over to the DCI and that they would come out and make a report on it, and they did come out.

The CHAIRMAN. Well, did a detective from the State department of investigation come in and check it out?

Mr. SULLIVAN. They took the bullets from the upstairs that they could find.

The CHAIRMAN. These are the bullets that came through the wall, you are saying?

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. I see. Do you know who did this?

Mr. SULLIVAN. I don't know. I had numerous phone calls telling me who did it.

The CHAIRMAN. From whom?

Mr. SULLIVAN. Some people that I knew and some people that I did not know. Some were anonymous and some we e not anonymous.

The CHAIRMAN. Who did they say did it?

Mr. SULLIVAN. Jess Kester from the picket, and they also named other people, relatives of the pickets.

The CHAIRMAN. Did they tell you what kind of gun he used or where it was or anything like that?

Mr. SULLIVAN. Yes, they did.

The CHAIRMAN. Tell us what you know about that.

Mr. SULLIVAN. Well, I received a phone call—I had received a phone call before the shooting incident stating that someone was going to be killed, and that Jess Kester had made this statement in a bar while he was under the influence, or they figured he was under the influence, and that he had purchased a new gun, and that if he missed the first time, the second time he would not miss.

I later received a phone call after the shooting from the same person telling me where the gun was, and I in turn called the department of criminal investigation and passed this information on to them.

The CHAIRMAN. Do you know if they ever investigated him or if they ever went after the gun to check the ballistics or anything else?

Mr. SULLIVAN. No. The only thing that I was told was that they would have to have "just cause" in order to search a man's house.

The CHAIRMAN. Did they, to your knowledge?

Mr. SULLIVAN. Do what?

The CHAIRMAN. Did they search the man's house?

Mr. SULLIVAN. Not to my knowledge.

The CHAIRMAN. Were you ever threatened personally with violence if you continued to operate your trucks for the company?

Mr. SULLIVAN. People would stand across the road and holler that I was going to die there, and not just me, just all of us that were there.

The CHAIRMAN. Can you identify any of the people who did that to you?

Mr. SULLIVAN. At times we did. Sometimes we recognized them as pickets. A lot of times it was people that were not pickets, relatives mostly of the pickets.

The CHAIRMAN. Do you have any names?

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. Would you give them to us?

Mr. SULLIVAN. Well, the ones that I would name would have been the brother of Dave Beck. He would pull over and scream and holler at us that we were going to die. One time Dennis Anderson

was in a pickup truck, and I called the police because he was over there threatening and saying that they were going to kill us, and that is where we were going to die.

I called the State police, and the State police responded. When the State police came around the corner, the pickup truck left at a high rate of speed, trying to outrun the State police, and the State policeman—finally, he came back to the terminal and said that he did catch them, and he said they were drinking, and they admitted to him that they had had too many drinks and that they shouldn't have been doing that, and there were no arrests made that I am aware of.

The CHAIRMAN. I see. You also mentioned, as I recall, on the first day of the strike, the union president himself, Dave Beck, told you that you had better get your trucks out of there or somebody was going to get hurt. Is that a true statement?

Mr. SULLIVAN. That is correct.

The CHAIRMAN. Did the union pickets allow you, ultimately, full access to the plant?

Mr. SULLIVAN. Did they allow us full access to the plant?

The CHAIRMAN. Right.

Mr. SULLIVAN. No. We had troubles all the way. I don't know exactly the nature of your question. We just barely could get through. They would walk in front of us; they would park vehicles in front of us. You know, any time we wanted to go through a barrage of nails, we could go in.

The CHAIRMAN. How much damage did your company suffer as a result of this?

Mr. SULLIVAN. The last figure that I saw on this was approximately $142,000.

The CHAIRMAN. Damages to your vehicles?

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. How many tires had been slashed or shot with bullets?

Mr. SULLIVAN. I would say in excess of 100.

The CHAIRMAN. Had just some or all of the trucks that you went in there with been damaged or shot at or otherwise damaged?

Mr. SULLIVAN. I am sorry, I couldn't hear you.

The CHAIRMAN. Did every truck that went in there suffer damage, or just some of them?

Mr. SULLIVAN. Oh, yes, sir.

The CHAIRMAN. All of them did?

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. You are talking about tires, windshields, radiators——

Mr. SULLIVAN. Right. We had one go through and—these didn't all happen as they went through the gate. They set up different checkpoints along the road between the cement plant and our terminal. One time they would have sheets of plywood with nails driven through it, and they would pull the sheets of plywood across the road just as we would get even with them.

In one incident, one of the pickets came and threw a pair of metal shears or pliers through the windshield of our truck, and the drivers identified the picket. They had been seeing him on the picket line.

I called the State police. The State police, every time they would come out, they would threaten to give us a ticket for improper registration, overloaded; they would want to see the driver's license——

The CHAIRMAN. You are saying that even though you were reporting these things, they would harass you?

Mr. SULLIVAN. They would harass us, is the only way——

The CHAIRMAN. The State police would?

Mr. SULLIVAN. They would do this.

The CHAIRMAN. Were these State police from up north, or were these State police from around that area, or do you know?

Mr. SULLIVAN. They were both. We had some from Pope County. We had a Lieutenant Richter from Murfreesboro, wherever he is from. I don't know.

We identified this man that had thrown the pliers, and the State policeman said, "You're just wasting your time; it's just his word against yours. He'll have 100 witnesses at that picket to swear that he never left the area."

The CHAIRMAN. I see. All in all, how many drivers did you have working for you that went in and out of the area, including the plant?

Mr. SULLIVAN. Approximately 17 drivers.

The CHAIRMAN. How many of them quit as a result of this?

Mr. SULLIVAN. Two.

The CHAIRMAN. Two of them did. The rest of them hung in there?

Mr. SULLIVAN. They hung in.

The CHAIRMAN. In conclusion, Mr. Sullivan, how do you think we ought to solve this problem or these types of problems?

Mr. SULLIVAN. Well, all of the law enforcement officers that I talked to—I begged the FBI to come in. I called and I begged them if they could possibly come in to get some outside help. I mean, I understand when you are in a community where you have local people involved, and everybody is a friend of everybody, it is hard.

But also, the people that I talk to, they say, "Our hands are tied; there is nothing we can do." Like I said, the State policeman said, "We've been given orders not to write tickets, but we've been given orders to see that nobody gets killed."

I just think the law is going to have to be changed to the extent to where it is out of the hands of people that are prejudiced to the situation.

But I have been sitting here, and I heard them going over the situation of the gun incident with the man that brought the gun in, wondering why they didn't fire him. You can imagine how these people feel that are driving on a lonely road in a truck by themselves, and knowing that any time the glass will fly out of the vehicle.

I heard it one time said that the guns were used for shooting pigeons. Well, I have been working in association with that plant since 1963, and this is not uncommon. There are dead pigeons everywhere where they have shot them.

But it is my opinion that the man had the gun for his own protection. I had trouble with my men, begging them not to carry guns, but I wasn't always successful.

In our situation, we are a union carrier. I think it was convenient that some of the people left when it came time to have actual witnesses. I don't know if they will even bother to read what we have to say, and that is kind of disgusting to me.

But I have heard the statements that these are unionbusters, that Missouri Portland is bound to bust unions. My company is a union company. I, myself, am a member in good standing of the Teamsters Union out of Paducah, KY. We are not fighting the union in our case.

I just don't feel that it is right for one union to tell another union they've got to quit working, and my men were not ready to quit working. They had families to feed.

The CHAIRMAN. Well, don't feel badly. Almost every investigation we have conducted has had a lack of interest by certain areas of the media and certain areas of our committee.

Mr. SULLIVAN. Well, it just seems to me like after you pose for the TV cameras, then you made an exodus, and I don't appreciate that.

The CHAIRMAN. Well, I cannot criticize a fellow Senator, and that is not unusual around here, especially on this committee.

Mr. SULLIVAN. They are busy, I know. I was in one's office yesterday, and he was busy.

The CHAIRMAN. Well, the thing that discourages me—and I will just say it for you three—you know, we must have held seven, eight, or nine of these hearings on separate issues involving violence, involving corruption, involving all kinds of things, where the workers themselves have been the big losers.

I have been disappointed that some of those who claim to be the strong fighters for the individual employees are never here; or, if they do come, they are always here defending what went on, or trying to make it look like what went on didn't go on.

I can remember one other instance where the media never seemed to get interested in it until, finally, a bunch of indictments came down as a result of the hearings, in this very hearing room right here, and then they were not interested in it.

So I don't know what to do other than to tell you that it is important that you testify. It is important that you tell the truth. It is important that we have this information, because there are honest people in the media who will report it. There are honest people who will try to do something about this.

There are a number of us who would like to change the law so that if the State and local governments are unwilling to do anything about this, then the Federal Government simply has to come in.

You see, State and local governments were unwilling to do anything, in certain areas of the country, about civil rights, and some of us feel that it is very appropriate for the Federal Government to come in and enforce those civil rights, because it was the only way they could be done.

And yet, because of a Supreme Court decision called the *Enmons* case, the Federal Government basically is prohibited from helping in this area, even when nothing can be done because local law enforcement officers are not willing to do what has to be done.

Now, something simply has to change. But in all honesty, I am not sure I could get a majority of the members of this committee to vote to change the law to protect employees' civil rights under circumstances that you have right here. I am not sure I can get a majority of the members of this committee to do that. I can get pretty close to a majority. And I am not sure we can get a majority of the Members of Congress to change the *Enmons* case and to reinforce the Hobbs Act with appropriate legislative language.

I don't think good union leaders sanction this kind of stuff. I really don't. I don't think Lane Kirkland wants to sanction this. I know he is a fine man. I have a big regard for him. But I suspect, like certain members of even the Labor Committee staff, it comes down to special-interest concerns and whose side you are on on these.

Well, my attitude is, we ought to be on the side of what is right. We ought to be on the side of law enforcement. We ought to be on the side of ending these types of difficulties.

There is nothing wrong with a company, if a union strikes, cutting off negotiations with them. I mean, I might personally think it is stupid of them to do it that way. But this company, according to their officials today, did not cut off negotiations.

There is nothing wrong with a union striking in our country today. They have a right to do that. But then the company has a right to replace them. And nobody should have to resort to violence.

It is discouraging to me. Of course, I have been referred to by certain staff members of this committee as a union-baiter because we investigate some of these complaints. I cannot even begin to tell you how many complaints come in here. We don't have time to investigate them all. But we try. I have been accused of being anti-union because I am trying to get to the bottom of these things and to resolve them.

What you folks have said here today is outrageous. I mean, what is happening is outrageous. It shouldn't happen in a free land. Good union members should not do those things. I should say good company employees should not dress up in sheets, either. On the other hand, they were fired for doing so. Nor should they shoot at union signs; I agree with that.

We have heard about three incidents apparently in which employees of the company participated, and I am not sanctioning these, either. The company apparently has not sanctioned them itself.

Now, all of us wish the negotiations would have taken place and the problems would have been solved, but it certainly was not fair to you, Mr. Pugh, to have to lose $25,000 as a minority contractor, in a business that you are starting from scratch and trying to make it as a minority manager, and to be treated like it is nothing, like you have really been treated here today. I don't think that is right; I don't think it is fair.

Mr. PUGH. I appreciate your interest.

The CHAIRMAN. And I will be honest with you; I think it is a pathetic media that doesn't do anything about it because, after all, the only way we are going to be able to change the Hobbs Act so

that we can solve these problems, is to let the people in this country know what is going on—and it is going on all over the country.

We get complaints all over, and every time we do, people on this very committee that is sworn to protect the rights of the employees and employers—especially certain staff members—are the ones that raise all the barriers and problems to even bringing out the facts.

It really bothers me, I will tell you. And certain heroes of the labor movement never show up. Now, they have a right not to. I am not going to find fault with Senators for not showing up, because I, myself, am very busy, and I cannot accuse any individual Senator, but it seems to me this is important.

Now, I hope the union does show up next Thursday. I think we have given them time. They have acted like they were mistreated here, and there is no way they are going to be mistreated. They might get asked some tough questions, but no tougher than what you have been asked here today or that the company was asked, and perhaps, hopefully, in a much more fair fashion. But all I am saying is that I hope they show up.

I am personally offended by what you have gone through. I am personally outraged by it. And I am outraged that anybody who is fair refuses to listen to you. Where else can you go? You cannot go to the State and local people, who wouldn't help you. If you cannot come here and get some consideration, then where else can you go?

I can tell you, I don't know that you are getting a lot of consideration here, but I am doing the best I can to let you tell your story, but, my gosh, I am not sure anybody is listening.

But I am listening, and we are going to change this law. It may take some time, but we are going to change this law, and we are going to change it for the benefit of workers and businesses across this country. It just isn't right, any more than it was right for certain States to deny individuals civil rights.

That never had a chance of really being changed, because of the State and local lack of law enforcement, until we applied Federal sanctions. And this is certainly equal to some of the problems that went on during the civil rights controversies.

I am personally very outraged, and I can see you are discouraged. But I apologize to you. The best I can do is get this testimony out. Hopefully, we can print it as a committee record, and hopefully, some honest people will look at it and start to get outraged, too, and start to do something about this.

I hope you don't have to always wind up with an indictment to get people interested in what is going on, but there ought to be some indictments in this case. There ought to be some people busted—that is, if you are telling the truth—and I will tell you this. I don't think anybody who is honest could sit here and listen to you and not believe you are telling the truth. I don't think anybody could, if they took the time to sit and listen to you.

Well, I want to thank you for being here. I know that it is not easy for you to come in, and I know that you place yourselves in a certain amount of danger, if this continues on the way it is, for having come here. I want to thank you for your guts and your dedication to your own personal principles in coming here, and I just want to show you my personal respect. So thank you.

Mr. SULLIVAN. Thank you, Senator.

Mr. PUGH. Thank you, sir.

The CHAIRMAN. Our next panel of witnesses are company employees, Kenneth Hutchins and J.J. Badalich. I would like you to come to the table, and we will also put the opening statement of Senator Paul Simon in the appropriate place at the beginning of this record.

Would you gentlemen raise your hands, please? Why don't we have Gordon and Kana Smith come up as well, and that way we can maybe end this a little more quickly. Would you raise your right hands?

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

The WITNESSES. I do.

The CHAIRMAN. Thank you.

Let's start with you, Mr. Hutchins.

STATEMENT OF KENNETH HUTCHINS, EMPLOYEE OF MISSOURI PORTLAND CEMENT CO.

The CHAIRMAN. Would you please state for the record your full name.

Mr. HUTCHINS. Kenneth Randle Hutchins, Jr.

The CHAIRMAN. And when did you begin working at the Missouri Portland plant?

Mr. HUTCHINS. August 6.

The CHAIRMAN. Was that of this last year?

Mr. HUTCHINS. August 6 of 1984.

The CHAIRMAN. 1984. What is your job at the Joppa plant?

Mr. HUTCHINS. Material handler.

The CHAIRMAN. Material handler? Would you describe for me what happened, I believe it was December 25, 1984, Christmas Day.

Mr. HUTCHINS. Yes, sir. I went in to work at 12 o'clock, midnight, or it was midnight the 24th, which was Christmas morning. Me and my other two coworkers——

The CHAIRMAN. Go ahead.

Mr. HUTCHINS [continuing]. Got the the orders out of the mailbox by the time clock, and it said for one man to go underneath the silos and clean the whole night and watch the east pump, and for the other two to go down to the river and load barges.

Well, usually, it would be my night to go down to the river and unload rock, but we didn't have any rock, so I had to go underneath the silos and clean.

I proceeded to the silos, and I got there and started cleaning, and they went down there and started hooking up the barge, and at 12:55, they called me up on the phone and told me to start up the east pump because it had to be started manually. We have to write down the times and everything that we start up the pumps and stop them.

I started it up and called them back at 1 o'clock, and before he hung up the phone, he told me that the south pump wasn't working properly. I told him that I would go over and check it out, since I was already there, and then I hung up the phone and started through the end of the silos.

As I got to the end of the silos, a guy stepped out from behind a concrete pylon column that is inside the silos. He didn't say anything. He just had on a gray windbreaker, and it was pulled up around his head and tied, and he had an iron pipe in his hand.

I asked him what he wanted and if I could help him. That is when I saw the pipe, and I started backing up, and when I started backing up, four other guys stepped out from around him, and at that point I knew that there wasn't any chance of me trying to take on all four of them, so I tried to run. I got about 10 feet, and they hit me on my left calf, lower leg.

The CHAIRMAN. On your left leg?

Mr. HUTCHINS. Yes, sir.

The CHAIRMAN. They hit you with what?

Mr. HUTCHINS. The iron pipe. And I tried to get back up, and I got back up and made it about 5 more feet and then went down across the pipe. I had lost my hard-hat when I fell the first time, and they just kept hitting me, and all I could do was put my hands up over top of my head and lay there and take it.

The CHAIRMAN. How many men were there hitting you like this?

Mr. HUTCHINS. There were five, all total.

The CHAIRMAN. There were five, all hitting you? What were they hitting you with? You say one of them had a pipe.

Mr. HUTCHINS. Some of them had metal pipes and others had clubs.

The CHAIRMAN. I see. What did they look like?

Mr. HUTCHINS. One had a stocking over his head, and three of them had bandanas tied around their faces, and and then one of them didn't have anything on at all over his face.

The CHAIRMAN. Did you see the one guy?

Mr. HUTCHINS. Yes, I did.

The CHAIRMAN. You saw his face clearly?

Mr. HUTCHINS. He was the first one that stepped out in front of me, and I saw his face clearly.

The CHAIRMAN. Could you describe him for us?

Mr. Hutchins. He stood about 5–8, 5–9, weighed about 135, 140, maybe a little heavier. He was white. He was well clean shaved, and he had a dimple right here in his chin.

The CHAIRMAN. Right in the center of his chin?

Mr. HUTCHINS. Right in the center of his chin.

The CHAIRMAN. Was this the one wearing the gray windbreaker?

Mr. HUTCHINS. Yes.

The CHAIRMAN. Was there anything else you could tell us about him? Do you know his name?

Mr. HUTCHINS. No, I don't, but I have seen him out on the picket line, walking and carrying a picket sign.

The CHAIRMAN. You have seen him on the picket line, I see. Is that since that happened?

Mr. HUTCHINS. No, that was before then. I haven't been back to work but 2 days, and since then——

The CHAIRMAN. How long were you beaten by these five people?

Mr. HUTCHINS. Approximately a minute, minute and a half.

The CHAIRMAN. Were you injured?

Mr. HUTCHINS. Yes, I was.

The CHAIRMAN. Tell us about your injuries.

Mr. HUTCHINS. I had a fractured left ankle. My left arm bone came through; then, when they hit it again, it went back down in.

The CHAIRMAN. What came through?

Mr. HUTCHINS. My bone, right here.

The CHAIRMAN. The bone came out through the skin?

Mr. HUTCHINS. Yes.

The CHAIRMAN. They broke your left arm with clubs, too, or pipes?

Mr. HUTCHINS. Yes.

The CHAIRMAN. So you broke your ankle and your left arm. What else happened?

Mr. HUTCHINS. My left rib and my right pinky.

The CHAIRMAN. Did they break your ribs?

Mr. HUTCHINS. They broke my—the doctor said it was a tenth rib that they broke.

The CHAIRMAN. And you say your pinky. Which pinky? Your little finger of your right hand?

Mr. HUTCHINS. My little finger of my right hand.

The CHAIRMAN. Were you threatened after they beat you up?

Mr. HUTCHINS. Yes, I was. I was lying across the pipe, and they dragged me off it, and the guy with the stocking over his head rolled me over and stuck a gun in my nose and called me, quote, a f— scab, and if he ever saw me there again, that he would kill me.

The CHAIRMAN. Were you taken to the hospital?

Mr. HUTCHINS. Yes, sir. I was taken to Lord's Hospital.

The CHAIRMAN. Do you have your medical records with you?

Mr. HUTCHINS. Yes, sir.

The CHAIRMAN. Where did you get those medical records?

Mr. HUTCHINS. I signed a statement the day of the beating, about 4 o'clock, that Missouri Portland Cement attorneys would get all my medical records, and they brought them to me.

The CHAIRMAN. So these are your actual records?

Mr. HUTCHINS. Yes.

The CHAIRMAN. I see.

We will enter those as Hutchins exhibit No. 1.

[Hutchins exhibit No. 1 follows:]

HUTCHINS Exhibit # 1

THE PADUCAH ORTHOPAEDIC CLINIC
Miller, Hunt, Morehead, Thomas, and Wilkinson, P.S.C.
1528 Lone Oak Road / P.O. Box 7099 / Paducah, KY 42002-7099 / (502) 442-3536
Robert B. Miller, M.D./Hilary L. Hunt, M.D./Charles D. Morehead, M.D./David P. Thomas, M.D./James R. Wilkinson, M.D.

NEW PROBLEM

#49659
HUTCHINS, Kenneth Jr. 12-26-84

This is a patient sent over from the Emergency Room who sustained a lateral malleolar fracture. He was seen Christmas morning, about 4:00, by Dr. Thomas and treated for an olecranon fracture, and a fracture metacarpal. This was subsequently picked up on x-ray.

He has a non-displaced lateral malleolar fracture. He is neurovascularly intact.

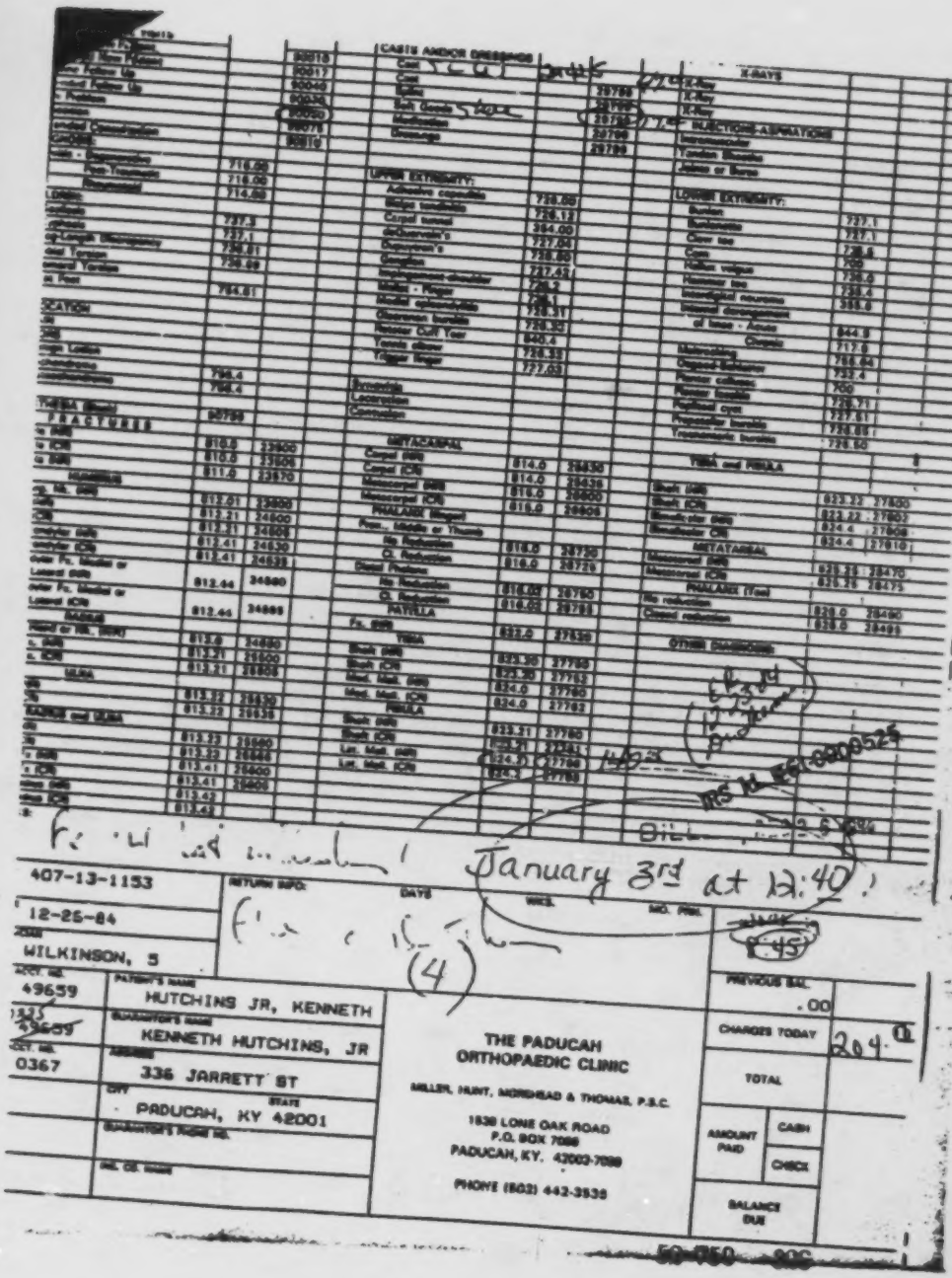
I am going to put him in a short leg walking cast. We will see if Dr. Thomas won't follow that along with his other injuries. He is to come back as scheduled to see Dr. Thomas.

JRW:skj

James R. Wilkinson MD

Dictated, but not read James R. Wilkinson, M.D.

52-750 325



407-13-1153

12-25-84

WILKINSON, S

49659

0367

HUTCHINS JR, KENNETH

KENNETH HUTCHINS, JR

336 JARRETT ST

PADUCAH, KY 42001

THE PADUCAH ORTHOPAEDIC CLINIC

MILLER, HUNT, MORSHEAD & THOMAS, P.S.C.

1530 LONE OAK ROAD
P.O. BOX 7088
PADUCAH, KY. 42002-7088

PHONE (502) 442-3535

January 3rd at 12:40

(4)

.00

204.01

FORM 45: Employers First Report of Injury or Illness (6008) PLEASE TYPE OR PRINT

Signing of this report does not affect your liability under the Workmen's Compensation Act and is not incriminatory in any sense.

A	1 /045	Illinois Unemployment Compensation Number	2 /	Date Of Report	3 / 12 Month – 28 Day – 84 Year	Case Or File Number			
B	4 / Missouri Portland Cement Company								
C	Doing Business Under The Name Of / Same			6 / City, State			7 / Zip Code		
D	Mail Address 8 / P. O. BOx 147			9 / City, State Joppa, IL			10 / Zip Code 62953		
E	Employer Location If Different From Mail Address 11 /								
F	Nature Of Business or Service / Cement Manufacturing		SIC Code	12 /	Total Number of Employees at the Location Where Illness or Injury Occurred		13 /		
G	Name of Workmen's Comp. Insurance Carrier 14 / Federal Ins. Co.		15 Policy Number /		Self Insured 16 / Yes ☐ 17 / No ☐		Employer Location Code: 6008 (If Applicable)		
H	Employee's Name (Last, First, Middle) 18 / Hutchins, Kenneth					Social Security Number	19 / 407-13-1153		
I	Home Address 20 / Rt. #1, Box 309			21 / City, State Hawesville, Ky.			22 / Zip Code 42348		
J	Male 23 / ☒ Female 24 / ☐	Married 25 / ☒	Single 26 / ☐	Widow(er) 27 / ☐	Divorced 28 / ☐	Birth Date	29 / 1 Month – 4 Day – 64 Year	Number Of Dependent Children Under 18 At Time Of Injury or Illness	30 / 0
K	Date Of The Injury Or Exposure	31 / 12 Month 25 Day – 84 Year	Employee's Average Weekly Earnings	32 / 336.80	Last Day Employee Worked		33 / 12 Month – 25 Day – 84 Year		
L	Job Title Or Occupation / Material Handler		34 /	Department Normally Assigned	Shipping				
M	Address Of Location Where Injury Or Exposure Occurred 35 / Same as above			36 / City, State			37 / Zip Code		
N	Did Employee Die As A Result Of This Injury or Illness?	38 / Yes ☐	39 / No ☒	If Employee Died As A Result Of The Injury Or Illness, Give Date Of Death			40 / Month – Day – Year		
O	Was The Injury Or Exposure On The Employer's Premises?	41 / Yes ☒	42 / No ☐	Did This Incident Result In	Occupational Injury 43 / ☒		Occupational Disease 44 / ☐		
P	Nature Of The Injury	broken arm, broken ankle, broken finger, broken rib						45 /	
Q	Part Of The Body Affected (Be Specific)	left arm, left ankle, right small finger, left rib						46 /	
R	What Task Was Employee Performing When Illness or Injury Occurred?	working under silos							
S	Object Or Substance Responsible For Injury or Illness (Agency)	beaten with clubs						47 /	
T	How Did Accident Or Illness Occur (Type)?	Employee was attacked and beaten by five non-employees while he was working under the silos.						48 /	
U	What Hazardous Conditions, Methods Or Lack Of Protective Devices Contributed?	None						49 /	
I	What Unsafe Act By A Person Caused or Contributed To This Injury Or Illness?	None						50 /	
V	Have Medical Services Been Rendered To The Employee?	51 / Yes ☒	52 / No ☐	Is Or Has The Employee Been Hospitalized?			53 / Yes ☐	54 / No ☒	
	Name And Address Of Physician: Dr. Miller			City, State Paducah, Ky.			Zip Code 42001		
	Name And Address Of Hospital: Paducah Orthopaedic Clinic			City, State Paducah, Ky.			Zip Code 42001		
	Report Prepared By: (Name-Print Or Type) Terri Wilke		Signature Terri Wilke			Title And Telephone Number 618-543-7541			

I.C.705-A ILLINOIS INDUSTRIAL COMMISSION 160 N. LASALLE STREET CHICAGO, ILLINOIS 60601 I.C. FORM 45 (REV. 7-74)

52-750 327

County of McCracken)
State of Kentucky) SS

AFFIDAVIT

I Darrell Hutchins, being first duly sworn upon my oath, hereby state as follows:

I have been given assurances by an agent of the National Labor Relations Board that this affidavit will be considered confidential by the United States Government and will not be disclosed as long as the case remains open unless it becomes necessary for the government to produce the affidavit in a formal proceeding. Upon the closing of this case, the affidavit may be subject to disclosure only in accordance with Agency policy.

I reside at 336 Darnell St., Paducah, Kentucky 42001

My telephone number is I do not have a telephone, but messages may be left at 247-444-7173 (neighbor)

I (am) (was) employed by

Ohio River Portland Cement Company

located at Joppa, Illinois

(1) I have been employed by the Company since 7/6/84 as a material handler. I load the barges. By normal rotation I work swing, shift and rotate shift every 7 days. My rate of pay is $8.42 per hour.

(2) On Sunday, July 29, 1984 I saw an ad in the Owensboro Messenger Inquirer advertising for construction employees. The ad did not list a Company name and stated that a person could be taking job applications Monday through Friday (7/31/84) from 8 a.m. to 5 p.m. I was living near Owensboro at that time. On Wednesday

August 4, 1984 I went to Owensboro and met with someone (I do not know his name). I completed a job application and the person told me that someone would get in touch with me if I was needed. The person did not tell me the name of the company, but told me it was within a 150 mile radius of Owensboro. Owensboro is approximately 109 miles east of Paducah.

(3) When I had not heard anything by 8/3/84, I went back to the Days Inn in Owensboro and filled out another application. The person again told me that if I was needed, someone would contact me. I filled out a second application in order to show the Company that I was eager to work.

(4) On Sunday, August 5, 1984 my neighbor told me that he had received a message for me to be at the Days Inn in Owensboro at 10 a.m. the following day. (I do not have a telephone so all messages are conveyed to me through neighbors.)

(5) I reported to the Days Inn at 10 am the following morning. The man I talked to on Monday 8/6/84 was the same person I had talked to on 8/1/84 and 8/3/84 and had told me earlier that week that he did not work for the company he was accepting applications from; that he worked for a company that was doing the interviewing

for another company. The man told me that I
wanted to check to return at 8 am the
following morning with my clothes packed, to
stay at the job site. I advised him that I
would return the following day, ready to leave.
The man did not tell me the name of the
company I had been hired to work for at the
time. While I was talking to the man 4 other
persons were waiting in the room to talk to
the man. I did not see any other job applicants
other than the 4. I left the Day's Inn on 8/4/84 before
10:30 am. The man told me to bring a pair of
K.H.
~~steel toed boots to the Days Inn~~ steel toed boots
and enough clothes for 5 days as I returned
the next day, as the Company would provide a
laundry service.

(6) I returned to the Days Inn at 3 am the following
morning (8/5/84). At that time the same man
was present along 2-3 other men I had not
met before. One of the men I did not know
gave me several pieces of paper to read
which advised me that the Company was
Missouri Portland in Joplin, Missouri and the
the wages and other benefits ~~approximately~~
30-40 men were at the Days Inn. We all
got into vans and trucks and drove to
Hendersonville Ky where we boarded helicopters
and were flown into Missouri-Portland. Before we
left the Days Inn we were all advised, in

a grap that we were being told as permanent replacements for dryers. I have worked for the Company ever since that date.

6) On 12/25/84 I was working the midnight to 8 am shift I clocked in around 11:45 pm. The 3rd shift is only a skeleton crew and I was working with 2 other employees. Instructions for the 3rd shift are left in a mailbox labeled "material handler". The instructions were for 2 men to load barges and the 3rd man to go to the old silo grap and clean up and watch the East pump as it had not been working properly. We took turns working in the silo and it was my turn. I went to the silo's and started cleaning. The instructions to the employees are placed in the mailboxes and cannot be left it is not routine for an employee to be in the silo's at midnight however last summer the previous night the East withdraw gate had been jostled (I do not know how) which required that the pump had to be manually started. Whenever a barge is ~~unloaded~~ loaded the pump must be started up and then turned off when it is ~~unloaded~~ completed

6) Around 12:55 am I received a call from employee Jackie Heal to start up the East Pump. I started the pump and then called back to make sure I was operating properly. Employee Heal then told me to check the South pump as it wasn't working

I started to get out of the silo to check the South pump when a man stepped out from behind a support column. The man did not have a mask on and had an iron pipe in his hand. The pipe was approximately 3 feet long. The man was approximately 5'8", weighed around 160-170 lbs., about 30-35 years old with a dimple in the middle of his chin. The man was wearing a Green hooded windbreaker but I could see that the hair was blondish-brown. I do not know the name of the man however I ~~have~~ previously saw him with picket line. ~~[redacted]~~ the Company is going to show video films of picture activities from on 1/9/75 or 1/10/75 to see if I can identify the man. I got a clear look at the man and can identify him the area under the silo is where the incident occurred is well lit.

(9) When the man stepped from behind the support column I asked him what he was doing there. The man did not answer and walked towards me. At that time 4 other men stepped out from behind the column. One man ~~[redacted]~~ taking over his head and the other 3 had bandana's tied across their noses and mouth. I tried to run away and someone hit me on the back of the calf with a pipe. I fell down and my hard hat fell off. I put my hands over my head to protect myself and they hit me with lead pipes and sticks. ~~[redacted]~~

were hitting me on my back and arms when I had over my head, and on my legs. The man wearing the stocking over his head rolled me over and stuck a gun up to my head and stated in making Scab. If I ever see you here again, I'll kill you." The man with the stocking over his head was heavy set (around 220 lbs.) had on blue jeans and a jean jacket and was about K.H. K.H. 5'8". ~~the other one~~ The man did not have a beard or a mustach. The other one kept hitting me with the sticks and the pipe and the 3 of them ran toward the end of the silo. One of the men wearing a bandana and the man with the stocking over his head stayed by me for a few seconds longer. I started to get up and the man with the gun took the gun at me and I layed down again. The last 2 men then ~~the~~ walked back around the coleumn.

(10) I got up and ran out of the silo to the maintenance shop. No one was there so I ran to the control room. The man in the control room called the foreman on duty (Gladley Wells) called the state troopers and an ambulance. A woman security guard came down and I told her what happened. I told her and she did not ask me any further questions.

(11) I was transported by ambulance to Lourdes K.H.
Samaritan Hospital in Paducah. I suffered a broken ~~left~~ arm (below the elbow) fractured left ankle, broke ~~right~~ little finger, broke ribs. (10 ribs on

left side) the doctors advised me that inbetween the left arm was broken, the bone broke through the skin and then was put back down again. I suffered extensive bruises on my left side. I was treated at the hospital and cast put on my arm and ankle and released about 5 hours later.

(12) I have not yet returned to work due to my injuries and will not be able to return to work for at least 4-6 weeks.

(13) The Company brought out some snapshots taken at a Company picnic, however I could not identify anyone from the snapshots. A few days after I was injured I left town to visit my family and did not return to Detroit until 11/1/84. The Company has not shown me the entire video films before this date as I have not felt well enough to go to Jeffa.

(14) The I cannot identify the 3 men that were bandanas. One of them was approximately 6'2", husky and weighed around 210-220 pounds. He was wearing brown coveralls. The other 2 I did not see well enough to be able to give any description of them.

(15) Since I went to work for the Company I have never harassed any of the pickets as I have entered or left the plant. I have not made any gestures to them or spoken to anyone at the

main gate or near the tent. I do not go to any of the bases or other places frequented by the Vietcong replacements. I do not know why I was singled out by the individual that beat me up, unless I was just in the wrong place at that time. I do not know how the men got into the silo. The silo's are located between the river and the plant. They are located approximately 300 yds from the river and approximately 200 yards from the plant.

I have read the above statement of 8 pages and 45 paragraphs and it is true and accurate to the best of my memory, information and belief.

Harold R. Wedinger Jr.

The above statement read, sworn to and subscribed to before me this 7th day of January, 1985 in Paducah, Kentucky.

Kathi M Geary
Board Agent.

The CHAIRMAN. Do you feel that the police did an adequate job of investigating and clearing up your beating; investigating and resolving it?

Mr. HUTCHINS. No, they did not.

The CHAIRMAN. What makes you say that? Did they take a statement from you?

Mr. HUTCHINS. They asked me my name, how many guys it was involved in it, but I have not heard from them since.

The CHAIRMAN. Did they ask you to sign anything?

Mr. HUTCHINS. No, they did not.

The CHAIRMAN. Did they ever come back to you after they took your name and asked you how many guys were involved?

Mr. HUTCHINS. The lawyer from Missouri Portland Cement came over the day after, and he was accompanied by the Massac County Sheriff, and he did not ask me anything.

The CHAIRMAN. Has anybody from the police shown you any pictures of potential suspects?

Mr. HUTCHINS. No, they have not. The only people that have shown me any pictures to try to find out who did it are Missouri Portland Cement people.

The CHAIRMAN. I see. Do you feel that the police treated you fairly?

Mr. HUTCHINS. No, they did not.

The CHAIRMAN. What makes you say that?

Mr. HUTCHINS. I was brought up to respect the law and to always do right, and as far as them trying to do justice on the guys that did this to me, they did not.

The CHAIRMAN. How many days did you lose as a result of this beating you took?

Mr. HUTCHINS. I was off until February 20.

The CHAIRMAN. So almost 2 months.

Mr. HUTCHINS. Almost 2 months, yes.

The CHAIRMAN. I see. Well, thank you, Mr. Hutchins. We are sorry about what happened to you, but we are happy to have your testimony here as part of this record. We appreciate your coming in.

Let me turn to you, Mr. Badalich.

STATEMENT OF JAMES JOSEPH BADALICH, EMPLOYEE OF MISSOURI PORTLAND CEMENT CO.

The CHAIRMAN. Please state your name.

Mr. BADALICH. James Joseph Badalich.

The CHAIRMAN. Could you give us a brief sketch of your employment history at Missouri Portland's Joppa plant?

Mr. BADALICH. May I say just a few things to clear up previous testimony?

The CHAIRMAN. Sure.

Mr. BADALICH. They referred to us, replacement workers, as strikebreakers.

The CHAIRMAN. Yes.

Mr. BADALICH. Now, if there were no job available, I wouldn't have been hired. So when somebody turned down the job, they replaced him by hiring me. I am not a scab, not a strikebreaker.

The CHAIRMAN. You just wanted to work.

Mr. BADALICH. That is it. The union turned down the job, the money. Missouri Portland offered me the job. I took it.

The CHAIRMAN. When were you hired by Missouri Portland?

Mr. BADALICH. August 6.

The CHAIRMAN. That is 1984?

Mr. BADALICH. Yes, sir.

The CHAIRMAN. Have you ever been a target of violence by the striking employees of local 438?

Mr. BADALICH. Yes, I have.

The CHAIRMAN. Would you describe that to us?

Mr. BADALICH. I had just finished working the 4-to-midnight shift, and as I was coming out the gate—I don't know which direction you travel, but you travel, and as you go through the gate, you make a 90-degree right-hand turn. Now, on this particular night, it was 25 minutes after 12 as I drove through the gate.

Now, we had been told not to give them the "Joppa salute," wave our paychecks, or make obscene gestures, or holler anything at the people that are out at the gate.

Now, as I drove——

The CHAIRMAN. Who told you not to do those things?

Mr. BADALICH. Mr. Sakrinowsky. We would hold meetings, and if he would get a report that we were antagonizing them, why, he would tell us, you know, don't make no waves.

The CHAIRMAN. Who was that?

Mr. BADALICH. Mr. Sakrinowsky of personnel.

The CHAIRMAN. He was personnel for Missouri Portland?

Mr. BADALICH. Yes, sir.

The CHAIRMAN. OK.

Mr. BADALICH. Now, I went about my business. I would just drive home and drive back; that is it. I have a 1979 Dodge red pickup truck. When I got hired August 6, I stayed there 2 weeks, then I went home, got my truck, and I had been driving it back and forth every day. I do not utilize the vans.

As I was coming out the gate at 25 after 12, I made a right-hand turn, 90-degree angle, to go down the road. As you make the right-hand turn and you go down the road about 150, 200 feet or so, there was at this particular time a tent where the strikers would get out of the rain or whatever it was.

As a rule, when you were driving in and driving out, they would glare at you, you know, just give it that as you drove by. When I made the right-hand turn at this particular time, instead of everybody glaring at me and giving me the finger, which I tried to ignore, they were looking down the road as if, well, if I can stand high enough and look hard enough, something is going to happen and I am going to see it.

When I got down the road past the tent—well, just before I got to the tent, a man—I don't know whether you call it a dog trot, or real quick—crossed ahead of me and got into a pickup truck. This was my assumption, that he was going to follow me, which he did follow the vehicle.

Now, I was about the fifth vehicle that came out the gate that night, and directly behind me were my coworkers driving another

vehicle. There were three of them: Charles Youngblood, Mike, and Jerry Caudell. They got directly behind me.

As I got down the road about 500 or 600 feet or whatever, a man came out of the bushes, and he more or less had his back toward my truck—I should say side—and as I was going down the road, he ran out about halfway in the oncoming lane, and as I got even with him, he turned and threw something at the windshield.

Now, I just saw the man for about 2 or 3 seconds, and the next thing I knew, I saw an object coming at the windshield. I immediately closed my eyes, threw the truck from fourth gear into third, and gave it this [crossing arms in front of face] and stepped on the gas.

Now, I am retired military, and I have been on riot control all over the world, and what they generally do is stop a vehicle, turn it over, let the gas tank leak the gas out, throw a match in it, and then everybody would run away and the truck would explode, or the vehicle.

I didn't want this to happen to my truck, so I gunned it—goosed or whatever you want to call it—and just about that time, a log hit the cab of the truck.

Now, I don't know if the man had intended to hit the cab or throw the log directly through the windshield. Anyhow, the log hit the cab, bounced completely over, and rolled on the ground, and I drove up the road about 200 or 300 feet.

The CHAIRMAN. How fast were you driving at the time?

Mr. BADALICH. About 25 miles an hour.

The CHAIRMAN. OK. Now, did the log hit the windshield?

Mr. BADALICH. Well, the log was about 10 inches in diameter, according to the dent on——

The CHAIRMAN. About how long was it?

Mr. BADALICH. Sir?

The CHAIRMAN. How long was it?

Mr. BADALICH. We don't really know, because we went back looking for it and we couldn't find it, but the people in the car behind me said it was about a foot-and-a-half long.

The CHAIRMAN. I see. How extensive was the damage to your car, your truck?

Mr. BADALICH. Twelve hundred dollars.

The CHAIRMAN. Twelve hundred dollars. Were you able to identify the person who threw the log at you?

Mr. BADALICH. Yes and no.

The CHAIRMAN. Tell me what you mean by that.

Mr. BADALICH. Now, at the time he threw the log, if I hadn't had——

The CHAIRMAN. Were you ultimately able to identify him? Who was it?

Mr. BADALICH. It was Jeff Adams. He was identified by the people behind me.

The CHAIRMAN. Is he a member of local 438?

Mr. BADALICH. He was on strike duty that night.

The CHAIRMAN. I see. Was he prosecuted for this action?

Mr. BADALICH. He went to court for contempt of the injunction.

The CHAIRMAN. I see. And this was the fellow who got 45 days in the county jail?

Mr. BADALICH. Yes, sir.

The CHAIRMAN. He was not charged with a criminal aggravated assault?

Mr. BADALICH. I did everything but sit in that prosecutor's lap and kiss him in the ear to get him to prosecute, and he totally ignored me.

The CHAIRMAN. I see.

Mr. BADALICH. In fact he refused to do anything about it.

The CHAIRMAN. Well, I know that Sheriff Robert Butler told my office, or told my staff, that he felt Adams was dealt with extremely leniently in this case, that he could have gotten 1 to 3 years for aggravated assault or even a longer sentence for attempted murder.

Mr. BADALICH. Well, I know gentleman that owns the body shop. This was why I took my truck there. He took one look at my truck, and he said, his words, "Looks like some bastard tried to do you in."

Now, he stated that had the log missed the top of the cab and went through the windshield and hit me in the chest, the chances of my surviving would have been practically nonexistent.

The CHAIRMAN. I see. Did the State police investigate the incident?

Mr. BADALICH. Yes, sir. When we stopped and my friends came up beside me, and I said, "I want to report this to the law enforcement agencies," the driver of the car, Charlie Youngblood, said, "Let's go back to the plant." So we went down the road about a half a mile, then made a great big turnaround and came in from the other direction. We were gone, according to the log, for 10 minutes.

The CHAIRMAN. What did the State police do about it?

Mr. BADALICH. Took a statement from Mike Sanders, Charlie Youngblood, Jerry Caudel, and myself, and acted like he could care less.

The CHAIRMAN. What else did they do? Did they have any follow-up?

Mr. BADALICH. Absolutely nothing. I said, "Well, what will they do to this gentleman when they catch him?" They said, "Well, we will probably try him for criminal mischief." I told the State trooper, to me criminal mischief is when you push a toilet over on Halloween, and this was more serious than that.

The CHAIRMAN. Did the sheriff of Massac County investigate it?

Mr. BADALICH. As far as I know, nobody investigated it. Just the State trooper took the four reports, and that was the last we heard.

The CHAIRMAN. Was he ever charged with criminal mischief?

Mr. BADALICH. No, he wasn't charged with anything but cited for contempt of court.

The CHAIRMAN. Now, you indicated to my staff when they interviewed you that you felt that the State and county officials were biased in favor of the strikers.

Mr. BADALICH. Absolutely, absolutely, 100 percent.

The CHAIRMAN. What makes you say that?

Mr. BADALICH. He acted like he could care less.

The CHAIRMAN. I see.

Mr. BADALICH. I mean, his attitude, like you know, I'm bleeding to death or something, and I could have been, and just, We'll get your name and send it to your widow or something.

The CHAIRMAN. What do you think we in the Congress ought to do about this?

Mr. BADALICH. Well, I am not a violent man. I have seen enough of that. I put 28 years in the service. Enforce or get a law made where if somebody is proven guilty of a misdeed, prosecute him with the fullest extent, unbiased, and let the chips fall where they may.

The CHAIRMAN. Let me turn to Mr. and Mrs. Smith, and you will be our final witnesses today. Excuse me, we have one final witness after that.

Yes, sir?

Mr. BADALICH. I stopped off at the repair shop before they worked on my vehicle, and the left side of the cab was pushed back 3 inches by the impact of the log, and if this would have missed the cab and come through the windshield, I would have gotten the full brunt of the force right in the chest. So you can form your own conclusions.

The CHAIRMAN. All right. I appreciate hearing from you.

STATEMENT OF GORDON AND KANA SMITH, RESIDENTS OF METROPOLIS, IL.

The CHAIRMAN. Mr. and Mrs. Smith, are either of you employed, or have you ever been employed, by the Missouri Portland Cement Co.?

Mr. SMITH. No, sir.

Mrs. SMITH. No.

The CHAIRMAN. Neither of you have?

Mr. SMITH. No.

The CHAIRMAN. Now, are any of your immediate relatives employed by either the union or the company? Do they belong to the union or are they employed by the company?

Mrs. SMITH. We have family on both sides, company and union.

The CHAIRMAN. Would you describe yourself as being neutral with regard to this strike, or being on the side of one side or the other?

Mr. SMITH. Yes; it didn't matter to me. I mean, as far as the strike goes, I knew that they were having a disagreement, but I was neutral.

The CHAIRMAN. You both thought you were neutral?

Mr. SMITH. Yes.

The CHAIRMAN. Has the union violence involving the strike ever affected you either directly or indirectly?

Mr. SMITH. Yes. We witnessed a brick thrown at the man through the front windshield of a van.

The CHAIRMAN. You actually saw a a brick thrown through the front windshield of a van?

Mr. SMITH. Yes; we saw it.

The CHAIRMAN. Where was that van located?

Mr. SMITH. It was traveling south back into Metropolis, and we were following it.

The CHAIRMAN. From where?

Mr. SMITH. From Joppa, I imagine from the plant.

The CHAIRMAN. Where were you?

Mr. SMITH. I was right behind it. I was about a car length behind the van.

Mr. CHAIRMAN. You were driving your car behind the van?

Mr. SMITH. Yes.

The CHAIRMAN. Who was with you in your car at the time?

Mr. SMITH. Our four children. Me and my wife and our four children.

Mrs. SMITH. We had a 12-day-old baby that just had gotten out of the hospital, and she was in a carseat in the middle between Gordon and myself, and the three older children were in the back.

The CHAIRMAN. Describe the accident for us, if you will. Describe it.

Mr. SMITH. Well, I had been following the van since Joppa, since we left the city of Joppa. We turned on U.S. 45 going into Metropolis, and we were moving along. He was running real slow, and there were two or three cars behind me, and everybody was trying to pass the van because of the speed.

It was fairly simple. I just looked up the road and saw a white Ford pickup truck coming toward us in the other lane. He wasn't running very fast at all. He was even running slower than we were, just like he was waiting for something.

When he got level with the windshield of the van, he tossed the brick out into the windshield of the van, and then he gave it some gas and tried to get out of there. Glass and brick hit my windshield, and I was trying to—I didn't know what the brick was going to do, if it was going to come up over the van, and if it had, it would have come into the windshield of my car. Everybody was trying to get stopped, and we were swerving in the road, and the cars behind me——

The CHAIRMAN. Did the brick hit you?

Mr. SMITH. Just parts of it.

Mrs. SMITH. The brick shattered on impact. You know, it broke in little pieces.

The CHAIRMAN. Some of it flipped over and——

Mrs. SMITH. Yes, and he was more or less watching—he had to watch where the brick went, because if he didn't, it most likely would have done extensive damage.

The CHAIRMAN. I see. Did you report this incident to the police?

Mrs. SMITH. Yes.

Mr. SMITH. We followed the van into town right after it happened, and a State policeman, he was passing us again, and I saw the van flip its lights on and off, so I circled the block and came back to where the police, the State police, and the van had stopped, and we reported the incident to him.

He asked if we could identify the man that would be driving the truck, and I said "No, but my wife could. She has seen him." He said OK, and he took down what had taken place.

The CHAIRMAN. Do you know this trooper's name?

Mrs. SMITH. Dwayne Weatherington.

The CHAIRMAN. Weatherington?

Mrs. SMITH. Yes.

The CHAIRMAN. Did he continue to investigate it? Did he show you any pictures of anybody?

Mrs. SMITH. Yes; he did.

The CHAIRMAN. Tell us about that.

Mrs. SMITH. Well, he told us that he would get back to us, so—it was on August 23, and it was on a Friday between 6:30 and 7 p.m., so on Monday, the following Monday, he came back, and I wasn't home. He came, I guess, to get me for a lineup or show me a photograph line, and I wasn't home, so then Tuesday he came back.

The CHAIRMAN. And what did he do?

Mrs. SMITH. He brought a—I think he was an FBI agent. He brought somebody back from Cook County.

The CHAIRMAN. Now, this was Trooper Weatherington who did this?

Mrs. SMITH. Yes; and he showed me a photograph lineup of some men, and I did identify the guy that threw the brick.

The CHAIRMAN. You knew who it was? You could pick from the picture the man who threw the brick?

Mrs. SMITH. Yes.

The CHAIRMAN. I see. Now, did you testify before a grand jury in this matter?

Mrs. SMITH. Yes; I did.

The CHAIRMAN. What was your testimony, and what was unique about it?

Mrs. SMITH. Well, it was just about like everybody else said. I felt like I was on trial, like I had done something wrong because I could identify the man, and I was never asked in front of the grand jury to identify the man, and I thought that was the point of me being there.

The CHAIRMAN. In other words, the prosecutor never even asked you to identify the picture of the man who threw the brick?

Mrs. SMITH. No.

The CHAIRMAN. Did he ever ask you to identify the man?

Mrs. SMITH. He asked me if I had seen him downstairs before the trial, and I told him, you know, I had been advised not to look around to look for him, you know, because it might cause trouble, but he never did bring him before me and the grand jury and ask if it was him, or he never asked me if I could. He just asked me if I had seen him downstairs.

The CHAIRMAN. He didn't ask you about the picture or anything?

Mrs. SMITH. No.

The CHAIRMAN. I see.

We will put into the record at this point the Illinois Department of Law Enforcement investigative report, which I think, if you will read it, actually identifies who it is, as a result of your testimony before. We will call that Smith exhibit No. 1.

[Smith exhibit No. 1 follows:]

ILLINOIS DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

Smith #1

SMITH EXHIBIT #1

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
84P2062	August 29, 1984	S/A Ed Thrailkill #2482		
Subject:	**Case Agent:**	**Office:**	**Typed By:**	**Date:**
MISSOURI PORTLAND CEMENT CO.	Thrailkill	Zone 13	ac	9/4/84

On Thursday, August 23, 1984, Illinois State Police Troopers Stanley Mathis and Dwayne Wetherington jointly investigated a brick throwing incident which occurred in relation to the union strike of the MISSOURI PORTLAND CEMENT COMPANY.

The attached reports reflect the actions taken, as well as the interviews and statements obtained by Troopers Wetherington and Mathis.

Dissemination:

DLE4-3 (R/77)

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

553-271 thru 557

AUG 2 4 1984

ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 1-3
2. How I.S.P. Initially Notified: 3. In Person
3. Initial Notification: Date 08.23.84 Time 9:10 PM
4. Incident Occurrence: Date 08.23.84 Time 6:55 PM
5. Number: F-13-84-1343

CODES

1. TYPE OF REPORT: 1. Incident Report; 2. Case Data Report; 3. Prelim. Investigation; 4. Pol. History Info.; 5. Loss or damage of ISP Investment; 6. Personal Injury; 7. Environment; 8. Impoundment Treatment Act
6a. & 6b. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle; 2. 2 Man Patrol Vehicle; 3. Detective or Special Assignment; 4. Other Special Assignments; 5. Off Duty
7. SYMBOLS: C. Complainant; D. Defendant; I. Informant; S. Suspect; V. Victim; W. Witness; R. Relative; DR. Driver; P. Passenger; O. Other
8a. RACE: W- White; N- Negro; I- Amer. Indian/Alaskan; M- Mexican; P- Puerto Rican; H- Other Hispanic; A- Asian/Pacific Islander
8c. COLOR EYES: 1. Black; 2. Blue; 3. Brown; 4. Grey; 5. Green; 6. Hazel; 7. Maroon; 8. Pink
8h. HAIR COLOR: 1. Bald; 2. Black; 3. Blonde or Strawberry; 4. Brown; 5. Grey or Part. Grey; 6. Red or Auburn; 7. Sandy; 8. White
8i. BUILD: 1. Heavy; 2. Medium; 3. Thin; 4. Slight
8m. MARITAL STATUS: 1. Married; 2. Separated; 3. Divorced; 4. Single; 5. Remarried
10c. INJURIES: 1. Killed; 2. Fracture; 3. Gun Wounds; 4. Gunshot Wounds; 5. Scratches & Bites-Human; 6. Scratches & Bites-Animal; 7. Bruises & Abrasions; 8. Lacerations; 9. Poison; 0. Burns
12a. WEAPON: 1. Hands; 2. Feet; 3. Handgun; 4. Shotgun; 5. Rifle; 6. Knife; 7. Club; 8. Bottle; 9. Vehicle; 0. Other
12c. CASE STATUS: 0. Unfounded (False or Baseless Complaints); 1. Referred to Responsible Jurisdiction; 2. Pending Investigation
CLEARED BY ARREST: 3. Adult; 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult; 6. Failed to File Complaint or Prosecute-Juv.; 7. Other Exceptional Clearances-Adult; 8. Other Exceptional Clearances-Juv.; 9. Case Administratively Closed

Brief Description: BROKEN WINDSHIELD - | a. Location: U.S. 45 AT COOK COAL TERMINAL | City: MASSAC | County/Township: 15

b. Investigating Officer (Print or Type - Last, First, Middle) I.D. No. Dist No.: MATHIS STANLEY A 1170 13 | c. Responding Vehicle: 1 | d. Assisting Officer (Last, First, Middle) I.D. No. Dist. No.: WETHERINGTON, DUANE | e. Response Veh: 1

VICTIM

a. Name (Last, First, Middle): BENTON FRANKLIN D | b. Home Address: 1215 12th ST. HIGHLAND IL | c. Telephone: 448-5500 | d. Business Name and Address: SEC. RESOURCE INC. ST. LOUIS MO

e. Soc. Sec. No.	f. D.O.B.	g. Sex	h. Race	i. Ht.	j. Wt.	k. Color Eyes	l. Color Hair	m. Complex	n. Build	o. Mar. Status	p. Scars - Tattoos - Deformities - Amputations
340-24-3947	05.30.30	M	W	5'9"	205	2	4	Fair	1	1	N/A

q. Driver License No.: B535-2443-0154 | r. Date Arrested Time: N/A | s. Location of Arrest: N/A CH 38 Sec 11-1a | t. Offense Section: A/C 1 | u. Where Held: N/A

v. Place of Birth	w. Alias	x. Injuries	y. Address where treatment given	z. I.S.P. Ticket No.	aa. CIB Case No.
N/A	N/A	N/A	N/A	N/A	N/A

bb. Ct. App. Date	cc. Date Miranda Given Time	dd. Officer Name I.D. No.	ee. Fingerprinted by	ff. Date	gg. Bond	hh. Occupation	ii. FBI No.	jj. IBB No.
N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	N/A

kk. Weapon	ll. Alleged Involvement	mm. Case Status	nn. Place	oo. Method	pp. Property Code	qq. Recovery Code	rr. Property - Value: STOLEN	RECOVERED	DAMAGED	ss. LEADS Message No.
N/A		12	238	N/A	N/A	N/A				N/A

PERSON

a. Name (Last, First, Middle): CHAMBERS ANDREW JR | b. Home Address: LOVE OAK MANOR B27 PADUCAH Ky. | c. Telephone: 443-5500 | d. Business Name and Address:

e. Soc. Sec. No.	f. D.O.B.	g. Sex	h. Race	i. Ht.	j. Wt.	k. Color Eyes	l. Color Hair	m. Complex	n. Build	o. Mar. Status	p. Scars - Tattoos - Deformities - Amputations
438-12-7009	04.18.51	M		5'0"	130	3	2	Fair	3	1	

q. Driver License No.: 438-12-7009 | r. Date Arrested Time: N/A | s. Location of Arrest: N/A | t. Offense Section: N/A | u. Where Held: N/A

v. Place of Birth	w. Alias	x. Injuries	y. Address where treatment given	z. I.S.P. Ticket No.	aa. CIB Case No.
N/A	N/A	N/A	N/A	N/A	N/A

bb. Ct. App. Date	cc. Date Miranda Given Time	dd. Officer Name I.D. No.	ee. Fingerprinted by	ff. Date	gg. Bond	hh. Occupation	ii. FBI No.	jj. IBB No.
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

kk. Weapon	ll. Alleged Involvement	mm. Case Status	nn. Place	oo. Method	pp. Property Code	qq. Recovery Code	rr. Property - Value: STOLEN	RECOVERED	DAMAGED	ss. LEADS Message No.
N/A		N/A	238	N/A	N/A	N/A				N/A

VEHICLE OR BOAT INFORMATION

tt. Color	uu. Year	vv. Mfg. Trade Name	ww. Registered State	xx. Year/Type	yy. License No.	zz. Vin/Hull No.
BLUE	1980	FORD	ILL	84 Mo	ZCR 925	E15GHGB0454

aaa. Owner	bbb. Address	ccc. Telephone	ddd. Est. Damage
PUGH THEODORE, PAMELA	322 NORTHLAND SHOPPING CENTER ST. LOUIS MO	382-2727	200

eee. Investigating Officer: Stanley Mathis 1170 | fff. Date: 08.23.84 | ggg. Date Received at SP: OCT 2 19 | hhh. Quality Initial: SM I.D. No. 614 | Page 1 of 1 Pgs

ISP 5-48 (5-83)

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TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE

LOC S/B ON U.S. 45. AT COOK COAL TERMINAL, DRIVER MET A WHITE FORD PICK-UP TRUCK (ABOUT A 1970 MODEL POSSIBLY) JUST PRIOR TO MEETING THE TRUCK, THE DRIVER OF THE N/B PICK-UP PITCHED A BRICK AT THE VAN. THE BRICK STRUCK THE WINDSHIELD, SHATTERED IT, LEAVING ABOUT A 4 INCH HOLE. NO APPARANT INJURIES.
WITNESS WAS GORDON L. SMITH (W/M 10-08-54) + WIFE KANA I SMITH (W/F 07-03-60) OF 903 W. 19TH, METROPOLIS, IL.
WITNESSES STATED DRIVER OF THE PICK-UP TRUCK IS A WHITE MALE WEARING WHITE T-SHIRT, WITH A GREEN & WHITE BALL CAP.
WITNESSES DRIVING A BROWN 69 PLYMOUTH FURY III. IL. LICENSE BDY 839 (84 AUG.) ALSO IN VEHICLE WERE 4 CHILDREN.
TPR. WETHERINGTON WENT TO PORTLAND CEMENT FRONT GATE AND FOUND SUBJECT AND VEHICLE MATCHING ABOVE DESCRIPTION. SUBJECT TAKEN TO MASSAC CO. FOR IDENTIFICATION AND PROCESSING.

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ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 143

2. How I.S.P. Initially Notified: 11. On View | 12. Telephone | 13. In Person | 14. U.S. Mail | 15. Other Agency | 16. 28 Radio

3. Date: 08 23 84 Time: 17 12

4. [illegible]

CODES

1. TYPE OF REPORT: 1. Incident Report 2. Case Data Report 3. Prelim. Investigation 4. Per. History Info 5. Loss or damage of ISP equipment 6. Personal Injury 7. Encounters 8. Intoxication Treatment Act

8c. & 8e. RESPONDING VEHICLE: 1. 1 Man Patrol Vehicle 2. 2 Man Patrol Vehicle 3. Detective or Special Assignment 4. Other Special Assignments 5. Off Duty

7. SYMBOLS: C. Complainant D. Defendant I. Informant S. Suspect V. Victim W. Witness R. Relative DR. Driver P. Passenger O. Other

8d. RACE: W- White B Black I- Amer. Indian/Alaskan M. Mexican P Puerto Rican H Other Hispanic A. Asian/Pacific Islander

8e. COLOR EYES: 1. Black 2. Blue 3. Brown 4. Gray 5. Green 6. Hazel 7. Maroon 8. Pink

8h. HAIR COLOR: 1. Bald 2. Black 3. Blonde or Strawberry 4. Brown 5. Gray or Part. Gray 6. Red or Auburn 7. Sandy 8. White

8i. [illegible]

8k. MARITAL STATUS: 1. Married 2. Separated 3. Unmarried 4. Single Never married

10a. [illegible]: 1. Black 2. Fair 3. Light 4. Dark Brown 5. Sandy 6. Red 7. Bald 8. Light Brown 9. Poor 0. Burn

12a. [illegible]: 1. Hands 2. Feet 3. Handgun 4. Shotgun 5. Rifle 6. Knife 7. Club 8. Bullets 9. Vehicle 0. Other

Related To Part 1

Brief Description: Thrown Thru Windshield Of Van, Int Cement Strike

Location: U.S. 45 Near Cook Co. Forest Preserve

b. Investigating Officer (Print or Type Last, First, Middle) I.D. No. Unit No.: Wetherington, C. Dwayne 1746 13

c. Witnesses: 1 Mathis, Tenley M

7a. Name (Last, First, Middle): Dr. Benton, Franklin D.

b. Home Address: 1215 12th St, Highland, Il.

8. a. Soc. Sec. No.: 340-24-1347 b. D.O.B.: 05/30/30 c. Sex: M d. Race: W e. Ht.: 5-9 f. Wt.: 205 g. Color Eyes: 2 h. Color Hair: 4 i. Complexion: Med. j. Build: 1 k. Glasses: 3 l. Scars, Tattoos or Amputations: N/A

9. a. Driver License No.: B535-2443-0154 b. Date Arrested: N/A Time: AM/PM c. Location of Arrest: N/A

10. a. Place of Birth: Whittier, Calif. b. Alias: N/A c. Injuries: N/A d. Address (Home, Temporary, Business): N/A

11. a. Ct. App. Date: N/A b. Date Miranda Given: N/A Time: AM/PM c. Officer Name: N/A I.D. No. d. Fingerprinted by: N/A e. Bond: N/A f. Bond: N/A

12. a. Weapon: Brick b. 1. 2. Alcohol Involved Drug Involved: N/A c. Case Status: 2 d. Place: 238 e. Method: N/A f. Property Code: N/A g. Recovery Code: N/A h. Property Value: Recovered

p

a. Name (Last, First, Middle): Chambers, Andrew Jr.

b. Home Address: 2701 H.C. Mathis Dr. Pedricktown, NJ 55 08 Salem

c. Soc. Sec. No.: 488-60-7009 b. D.O.B.: 04/18/57 c. Sex: M d. Race: B e. Ht.: 5-9 f. Wt.: 130 g. Color Eyes: 3 h. Color Hair: 3 i. Complexion: D.K. j. Build: 2 k. Glasses: 1 l. Scars, Tattoos or Amputations: None

9. a. Driver License No.: 1188-60-7009 Ky. b. Date Arrested: N/A Time: AM/PM c. Location of Arrest: N/A

10. a. Place of Birth: Jackson, Miss. b. Alias: None c. Injuries: None d. Address (Home, Temporary, Business): N/A

11. a. Ct. App. Date: N/A b. Date Miranda Given: N/A Time: AM/PM c. Officer Name: N/A I.D. No. d. Fingerprinted by: N/A e. Bond: N/A f. Bond: N/A

12. a. Weapon: Brick b. 1. 2. Alcohol Involved Drug Involved: N/A c. Case Status: 2 d. Place: 238 e. Method: N/A f. Property Code: N/A g. Recovery Code: N/A h. Property Value: Recovered

VEHICLE OR BOAT INFORMATION

12. a. Color: Blue b. Year: 1980 c. Mfg. Trade Name: Ford c. Body/Hull Style: Van d. Veh. Style: 84 in. e. Veh. No.: ZCK525 f. Veh. Year: E15GHCB 0454

h. Owner: Pugh, Thedore & Pamela i. Address: 322 North Lee (Shopping Center) Lane, Ill. 382-2737

14. Signature of Investigating Officer: Tpr. C. Dwayne Wetherington a. Date: 08/29/84 b. Copies to:

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237

	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO

On 05-23-84 At 7:10 P.M. This R/O Assisted Tpr. Stanley Mathis #170 With An Incident (See Field Report # 13-84-1343) That Occurred On U.S. 45 North Of Metropolis, Near The Cook Coal Terminal Entrance. Two Men, Frankin Benton And Andrew Chambers Were Driving A Van For Security Resources Inc. Out Of St. Louis, Mo. They Had Just Delivered Food Into The Mc. Portland Cement Plant At Joppa, Il. And Were Headed Back To The Executive Inn In Paducah, Ky. Just Past The Coal Terminal Entrance They Met A White Ford Pick Up Headed North On U.S. 45 And As They Met The Driver Of The Pickup Threw A Brick Into The Windshield Of Their Van, Shattering It And Glass Flew Over The Men In The Van. A Mr. & Mrs. Gordon Smith And Their Children Were In Their Car Traveling Right Behind The Van And Witnessed The Incident Pieces Of Glass And Broken Brick Flew Back And Struck Their Car. The Two Men In The Van Stated It Was A White Pick Up But Were Unable To Provide Any Description Of The Driver Except It Was A White Male. Mr. Smith Stated He Did Not Get A Good Look At The Driver Because He Was Watching The Brick But Stated It Was A White Ford Pick Up, Approx. 1972 Model And It Either Did Not Have A Tail Gate Or The Tail Gate Was Down. Mrs. Smith However Said She Got A Good Look At The Driver And Described Him As Follows. A White Male, Mid 30's, Mustache, Wearing A White T Shirt And A Green And White Ball Cap. With This Description In Mind This R/O Drove Immediately To The Portland Cement Plant In The Area Where The Strikers Have Their Tent Set Up, Arriving There At Approx. 7:40 P.M. R/O Found A White 1970 Ford Pick Up Matching The Description Given By The Witnesses. When I Asked The Strikers Who Owned The Truck A Mr. Carl Medley Stated

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ILLINOIS STATE POLICE
FIELD REPORT

1. Type of Rpt: I-4

2. How I.S.P. Initially Notified: 1. On View | 2. Telephone | 3. In Person | 4. U.S. Mail | 5. Other Agency | 6. CB Radio

3. Initial Notification: Date / / Time ____ AM PM

4. Incident Occurrence: Date / / Time ____ AM PM

5. Number: F-13-84-138

1. Type of Unit	2. Responding Vehicle	3. Symbols	3a. Race	3b. Color Eyes	3c. Hair Color	3d. Build	3e. Marital Status	10c. Injuries	12a. Weapon	12c. Case Status
1 Man Patrol Vehicle; 2 Man Patrol Vehicle; 3 Detective, Special Investigation; 4 Other Special Assignments; 5 Off Duty	1 Man Patrol Vehicle; 2 Man Patrol Vehicle; 3 Detective, Special Investigation; 4 Other Special Assignments; 5 Off Duty	C. Complainant; D. Defendant; I. Informant; S. Suspect; V. Victim; W. Witness; P. Motorist; DR. Driver; P. Passenger; O. Other	W. White; B. Black; A. Amer. Indian/Alaskan; M. Mexican; P. Puerto Rican; H. Other Hispanic; A. Asian, Pacific Islander	1. Blue; 2. Blue-Green; 3. Gray; 4. Green; 5. Hazel; 6. Maroon; 7. Pink	1. Bald; 2. Black; 3. Blonde or Strawberry; 4. Brown; 5. Gray or Part. Gray; 6. Red or Auburn; 7. Sandy; 8. White	1. Heavy; 2. Medium; 3. Thin; 4. Slight	1. Married; 2. Separated; 3. Divorced; 4. Single; 5. Remarried	1. Killed; 2. Fractures; 3. Stab Wounds; 4. Gunshot Wounds; 5. Scratches & Bites-Human; 6. Scratches & Bites-Animal; 7. Bruises & Abrasions; 8. Lacerations; 9. Poison; 0. Burns	1. Hands; 2. Feet; 3. Handgun; 4. Shotgun; 5. Rifle; 6. Knife; 7. Club; 8. Bottle; 9. Vehicle; 0. Other	CASE STATUS: 0. Unfounded (False or Baseless Complaint); 1. Referred to Responsible Jurisdiction; 2. Pending Investigation. CLEARED BY ARREST: 3. Adult; 4. Juvenile. EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute Adult; 6. Failed to File Complaint or Prosecute Juv.; 7. Other Exceptional Clearances Adult; 8. Other Exceptional Clearances Juv.; 9. Case Administratively Closed

a. Location: ____ City: ____ County/Township: ____

a. Name (Last, First, Middle)	b. Home Address	c. Telephone	d. Business Name and Address
Smith-Gordon L.	9C3 1114 19th St. Metropolis IL	None	N/A

a. Name	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
Unknown	10/08/34	M	W	?	?	?	?	Med	3	1	Unknown

b. Date Arrested	Time	c. Location of Arrest	e. Offense Section	f. Where Held
N/A	AM PM	N/A	Clm 38 12-2	N/A

Place of Birth	b. Alias	c. Address where treatment given	e. I.S.P. Tissue No.	f. CIB Case No.
Unknown	N/A	N/A	N/A	N/A

Ct. App. Det.	b. Date Miranda Given	Time	c. Officer Name	I.D. No.	d. Fingerprinted By	e. Date	f. Bond	g. Occupation	h. FBI No.	i. SBI No.
N/A	N/A	AM PM	N/A		N/A	N/A	N/A	Unemployed	N/A	N/A

Weapon Used	Alcohol Involved / Drugs Involved	c. Case Status	d. Place	e. Method	f. Property Code	g. Recovery Code	h. Property – Value: STOLEN	RECOVERED	DAMAGED	i. LEADS Message No.
Brick	N/A	2	238	N/A	N/A	N/A	N/A			N/A

a. Name	b. D.O.B.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
Unknown	1/06/36	F	W	?	?	?	?	DK	1	1	Unknown

b. Date Arrested	Time	c. Location of Arrest	e. Offense Section	f. Where Held
N/A	AM PM	N/A	Clm 38 12-2	N/A

Place of Birth	b. Alias	c. Address where treatment given	e. I.S.P. Tissue No.	f. CIB Case No.
Unknown	N/A	N/A	N/A	N/A

Ct. App. Det.	b. Date Miranda Given	Time	c. Officer Name	I.D. No.	d. Fingerprinted By	e. Date	f. Bond	g. Occupation	h. FBI No.	i. SBI No.
N/A	N/A	AM PM	N/A		N/A	N/A	N/A	Housewife	N/A	N/A

Weapon Used	Alcohol Involved / Drugs Involved	c. Case Status	d. Place	e. Method	f. Property Code	g. Recovery Code	h. Property – Value: STOLEN	RECOVERED	DAMAGED	i. LEADS Message No.
Brick	N/A	2	238	N/A	N/A	N/A	N/A			N/A

VEHICLE OR BOAT INFORMATION

a. Color	b. Year	c. Mfg. Trade Name	d. Body/Hull Style	e. Year/State	f. License No.	g. Vessel No.

h. Owner	i. Address	j. Telephone	k. Est. Damage

Signature of Investigating Officer: Sgt. C. Livingston / Lt. Thoughtful | Date: 12-13-84 | Copies to: | Quality Check: Initial / I.D. No. | Page 2 of 3 Pages

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TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.

It Was His. Mr. Medley Also Matched The Description Of The Driver Of The Pic
:p. Given By Mrs. Smith. I Explained To Mr. Medley What Had Happened, H
enied That He Had Thrown The Brick. I Advised Him To Follow Me To The Ma
e Co. Sheriff's Office Because I Wished To Question Him About The Incident
R/O Had The Massac Co. States Attorney's Investigator, Frank Williams, Meet Me
t The Sheriff's Office. Together We Took A Statement From Carl Medley, Dou
eck (President Of The Union) And Roger Barnhill (Vice-President Of The Union) Took Photo
raphs Of Mr. Medley And His Vehicle. We Then Advised Mr. Medley He Might
e Required To Be In A Line Up At A Later Date. This R/O Was Off The Followin
wo Days And On Monday 08-27-84 R/O Contacted The D.C.I. Office At Marion Ad-
sing Them What Had Occurred. On Tuesday 08-28-84 Agents Ed Thrillkill And
ary Ashman Came Down And Assisted Me In Assembling A Photo Line Up
ith Mr. Medley's Photo Included In It. Agent Ashman And R/O Went To Mr
nd Mrs. Gordon Smith's Residence And After Viewing The Photographs, Mr.
Smith Picked Out Carl Medley's Photo As The Driver Of The White Pick U
gents Ashman, Thrillkill And R/O Then Went To Joe Jackson, (Massac Co. Sta
Attorney) And Presented Him With Our Evidence. After Reviewing The Case, M
Jackson Stated He Would Bring It Before The Grand Jury On Sept. 7, 1984
And Seek An Indictment.

1744

Dpr. C. Dwayne Witherington

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ILLINOIS STATE POLICE FIELD REPORT

1. Type of Report: 143
2. How I.S.P. Initially Notified: 1. On View | 4. U.S. Mail | 2. Telephone | 5. Other Agency | 3. In Person | 6. CB Radio
3. Initial Notification: Date / / Time AM PM
4. Incident Occurrence: Date / / Time AM PM
5. Number: F 13-84-1387

Type Of Incident Initiated No. | Case Data Reports Month | Year | Hour | Minute | Area Number | Loss of Service Indicator | Reporting Post or Location | Police Station | Unit ACT

6a. Responding Vehicles: 1. Main Patrol Vehicle | 2. Latent Time or Special Assignment | 3. Other Special Assignments Off Duty | 4. Main Patrol Vehicle

7. Symbols: C. Complainant | D. Defendant | I. Informant | S. Suspect | V. Victim | W. Witness | R. Relative | DR. Driver | P. Passenger | O. Other

8a. Race: W. White | B. Black | I. Amer. Indian/Alaskan | M. Mexican | P. Puerto Rican | H. Other Hispanic | A. Asian/Pacific Islander

8b. Color Eyes: 1. Black | 2. Blue | 3. Brown | 4. Gray | 5. Green | 6. Hazel | 7. Pink

8h. Hair Color: 1. Bald | 2. Black | 3. Blonde or Strawberry | 4. Brown | 5. Gray or Part. Gray | 6. Red or Auburn | 7. Sandy | 8. White

8i. Build: 1. Heavy | 2. Medium | 3. Thin | 4. Slight

8k. Marital Status: 1. Married | 2. Separated | 3. Divorced | 4. Single | 5. Remarried

10c. Injuries: 1. Killed | 2. Fractures | 3. Stab Wounds | 4. Gunshot Wounds | 5. Scratches & Bites-Human | 6. Scratches & Bites-Animal | 7. Bruises & Abrasions | 8. Lacerations | 9. Poison | 0. Burns

12a. Weapon: 1. Hands | 2. Feet | 3. Handgun | 4. Shotgun | 5. Rifle | 6. Knife | 7. Club | 8. Bottle | 9. Vehicle | 0. Other

12c. Case Status: 0. Unfounded (False or Baseless Complaint) | 1. Referred to Responsible Jurisdiction | 2. Pending Investigation
CLEARED BY ARREST: 3. Adult | 4. Juvenile
EXCEPTIONAL CLEARANCES: 5. Failed to File Complaint or Prosecute-Adult | 6. Failed to File Complaint or Prosecute-Juv. | 7. Other Exceptional Clearances-Adult | 8. Other Exceptional Clearances-Juv. | 9. Case Administratively Closed

Brief Description | Location | City | County/Township

Investigating Officer (Last, First, Middle) | I.D. No. | Dist No. | Responding Vehicle

Assisting Officer (Last, First, Middle) | I.D. No. | Dist No. | Responding Vehicle

Medley, Carl W.

a. Address: Rt. 1, Metropolis, Il.
c. Telephone: 618 524-3745
d. Business Name and Address: Employee Of Ashland Cement Co. Striker

b. SID No.	c. Sex	d. Race	e. Ht.	f. Wt.	g. Color Eyes	h. Color Hair	i. Complex	j. Build	k. Mar. Status	l. Scars - Tattoos - Deformities - Amputations
26 24143	M	W	5-10	170	2	3	Med.	2	1	Unknown

Driver License No.: 1234-1244-3179
b. Date Arrested / Time: NIA
c. Location of Arrest: NIA
d. Offense Section: Chp. 38, 12-2
e. Where Held: NIA

Place of Birth: Unknown
b. Alias: None
c. Injuries: None
d. Address where treatment given: NIA
e. I.S.P. Ticket No.: NIA
f. CIB Case No.: NIA

Cr. Agn. Date: NIA
b. Date Miranda Given / Time: 08 23 84 9:15 AM
c. Officer Name / I.D. No.: Frank L. Williams 1748, Tpr. C. Dwitherington
d. Fingerprinted by: NIA
e. Date: NIA
f. Bond: NIA
g. Occupation: Striker
h. FBI No.: NIA
i. SSS No.: NIA

Occasion: Strike
a. Weapon: NIA
b. 1. Alcohol Involved 2. Drugs Involved
c. Case Status: 2
d. Place: 238
e. Method: NIA
f. Property Code: NIA
g. Recovery Code: NIA
h. Property – Value: 150 STOLEN | RECOVERED | DAMAGED
i. LEADS Message No.

VEHICLE OR BOAT INFORMATION

a. Color	b. Year	c. Mfg. Trade Name	d. Model Type	e. Year/State	f. License No.	g. VIN
White	1972	Ford	Pick up	85 Ill.	P	F10GLP34479

Owner: Carl W. Medley
a. Address: Rt. 1, Metropolis
b. Telephone: 524-3745
c. Est. Damage: None

Signature of Investigating Officer: Tpr. C. Dwitherington
a. Date: 08 29 84
b. Copies to: Assistant U.S. Attorney, Agent Thrillkill, DuCo. St. Atty.
Quality Check Initial | I.D. No.
Page 3 of 3 Pages

(0341)

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ILLINOIS STATE POLICE

STATEMENT OF CONSTITUTIONAL RIGHTS

Before we ask you any questions, it is my duty to advise you of your rights;

C.M. 1. You have the right to remain silent.

C.M. 2. Any thing you say can be used against you in court or other proceedings.

C.M. 3. You have the right to consult an attorney before making any statement or answering any questions, and you may have him present with you during this interview.

C.M. 4. You may have an attorney appointed by the court to represent you without cost to you if you cannot afford or otherwise obtain one.

C.M. 5. If you decide to answer questions now with or without a lawyer, you still have the right to stop the interview at any time or to stop the interview for the purposes of consulting a lawyer.

C.M. 6. You may waive the right to advice of counsel and your right to remain silent, and you may answer questions or make a statement without consulting a lawyer if you so desire.

STATEMENT OF RIGHTS GIVEN BY Frank Williams

AT Marion Co. Sheriffs Office (Time), ON August 23, 1984 (Date).

Carl Mueller

David Burke, Witness

Lodge Barnhill, Witness

DLES-48 (12/77)

ILLINOIS STATE POLICE
VOLUNTARY STATEMENT
(Continuation Report)

On Thursday August 23, 1984 at appx 5:00 P.M. I was at my residence on Metropolis Rt 1 eating supper. After eating my wife and I drove to Lowell Powerkamps. We drove back home and I let my wife out and than I drove to the area of the Portland Cement Plant at Joppa, Ill. I drove to the tent C.M. area where men that are on strike C.M. gather. I arrived at the tent area at appx. 6:00 P.M. There were appx. 7-8 men in the tent area when I arrived. They were Donnie Hoins, Arnal Bud Snell, Don Kushing, Jim Kushing, Bobby Arnold, Roger Bohnhill and David Beal. I was at the tent area and did not leave untill Trooper Dwaine Witherington picked me up. This statement is true and correct to the best of my knowledge.

Frank Wellhaine x Carl Medley

Carl Medley

1744

Tpr. C. Dwayne Witherington, Witness

_____, Witness

Time Completed: 8:35 P.M.

Page 1 of 1 Pages

DLE9-100 (7/74)

LUNTARY STATEMENT

DATE 8-23-84 PLACE MASSAC County TIME STARTED 8:30 PM.

I, the undersigned, ANDREW CHAMBERS, am 26 years of age, my date and place of birth being the 18 day of April 1957 at Jackson Miss.

I now live at 2701 H.C. Mathis Ky

Before answering any questions or making any statements,

a person who identified himself as a

duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority, before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

I ANDREW CHAMBERS work For Security Re COURCES
Request we are Food servise For missouri Portland
We were Leaving the plant. We got on
Highway 45 South Bound And were just pass
Cook Coal when, a driver in a white pick up
going North bound threw a Brick at us that
Broke the windshield. the man in the truck
was a white male, mid 30. At this time we
proceed until we seen a State trooper and
Stop him to Let him no what had took place.
Subject wore mustach, Subjest was wearing golf hat
T-Shirt Light Color.

I have read each page of this statement consisting of ____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 9:00 P.M. on the 23 day of Aug 1984.

WITNESS: Sgt. C. Dwayne Watterington Andrew Chambers

VOLUNTARY STATEMENT

DATE 23 Aug 1984 PLACE Massac Co. Sheriffs Office TIME STARTED 8:30 PM

I, the undersigned, Franklin D. Benton, on _____ years of age, my date and place of birth being the 30 day of May, 1930, in Whittier, California

I now live at Apt 211, Diplomat Inn, 2701 H.C. Mathis Dr., Paducah, Kentucky

Before answering any questions or making any statements,

a person who identified himself as a _____

duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority, before or at anytime during any questioning or statements I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate my interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

I was proceeding south on hwy 45 shortly after having turned on to hwy 45 from Joppa Rd when something hit the front window of the 1980 Ford Van I was driving for Security Resources Incorporated. The glass from the broken window burst inward and I blinked and brushed the shards from my face while attempting to remain in control of the van. I got a glimpse of a vehicle passing us in the opposite direction and my impression is that the vehicle was a white pickup. I am unable recognize the driver or give any further description of the vehicle in such a short observation period. This incident occured approximately 6:55pm about 1½ or 2 miles South of Joppa Rd on hwy 45 proceeding South toward Metropolis. I was accompanied in the van by Andrew Chambers who is also employed by Security Resources Incorporated.

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 9:10 P.M. on the Massac Co Sheriffs Office, on 23 Aug. 19 84.

WITNESS Lori C. Wayne Waterfield 7445 Franklin D. Benton

ILLINOIS STATE POLICE
VOLUNTARY STATEMENT
(Continuation Report)

Rodger Barnhill
RR 1 Kansak
Aug. 23-84

I arrived at the tent area of the picket site at app. 5:45 pm. David Goins, Harold Dudley, Bob Arnold, Don Rushing, Jim Rushing, Wendell Baker were present. At appx. 6:00 pm Carl Medley arrived. Just after that the guard bus came out of the plant. At appx 6:15 Dave Buck & Myself left and was gone [redacted] until 6:30. At approx 7:00 pm State Trooper Withington arrived at the picket site and asked who owned the white Ford pick-up truck and pointed to it. Carl Medley said it was his. Thereupon, then asked him to go to the sheriffs office and then they both left headed east.

Rodger Barnhill

_____, Witness

_____, Witness

Time Completed: _____

Page ____ of ____ Pages

DLES-106 (7/79)

ILLINOIS STATE POLICE
VOLUNTARY STATEMENT
(Continuation Report)

David Beck
RR#1 KARNAK, ILL

On Aug 23 I arrived at NPC approx. 5:56 to 6:40 and the following men were present Carl Medley, Wendell Bebyn, Jim + Don Hughins, Bob Argall, Dwight Dudley, Roger Barnhill, David Grimes and I. The only people that left was myself and Roger Barnhill up till the time the State Troops arrived and asked who owned a white Pickup Barnhill and myself were only gone about 15 min we left about 6:50 and were back about 6:55

David Beck

_____, Witness

_____, Witness

Time Completed: _____

Page ____ of ____ Pages

DLSS-100 (7/79)

6:55 P.M.

Gordon L. Smith 10-08-17
903 W 19th St.

Kana J. Smith 7-03-60

People present at time taken: Spec. Watkins arrived
Donnie Coins
Arnold Snell
Don Rushing
Jim Rushing
[redacted]
Bobby Arnold
Roger Barnhill
David Beck
Carl Medley

ILLIN 3 DEPARTMENT OF LAW ENFORCE NT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):	Lead No:
84P2062	August 28, 1984	S/A Gary Ashman #944 S/A Edwin Thrailkill #2482	

Subject:	Case Agent:	Office:	Typed By:	Date:
MISSOURI PORTLAND CEMENT COMPANY	Thrailkill	Zone 13	ac	8/30/84

On Tuesday, August 28, 1984, a photographic line-up was presented before incident witness KANA I. SMITH, W/F, DOB: 7/3/60, and her husband, also a witness, GORDON L. SMITH, W/M, DOB: 10/8/54.

The photogtaphic line-up consisted of six (6) white male subjects, with a mustache.

The identifiers of the six (6) subjects as they appear in the line-up are as follows:

(#5) S/A E. THRAILKILL
Illinois Division of Criminal Investigation

(#1) ROY DAVID MERRELL
W/M, DOB: 6/7/50
4521 North Malden
Chicago, Illinois

(#4) RICHARD W. LEEK
W/M, DOB: 8/10/60
R.R. 3
Metropolis, Illinois

(#3) RONNIE D. HAWKINS
W/M, DOB: 1/13/53
256 McCalister
Milan, Tennessee

(#6) CARL MEDLEY
W/M, DOB: 6/24/43
R.R. 1
Metropolis, Illinois

(#2) WILLIAM R. HERRELD
W/M, DOB: 6/2/58
R.R. 1
Metropolis, Illinois

The photo line-up was presented by S/A Gary Ashman and Illinois State Police Trooper D. Wetherington.

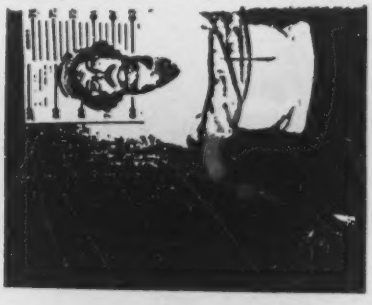
At 2:35 P.M., on August 28, 1984, KANA SMITH identified the white male subject labeled Number #6 in the photo line-up, CARL MEDLEY, as the subject who threw the brick at the van. KANA SMITH indicated the subject was muscular in build as is CARL MEDLEY.

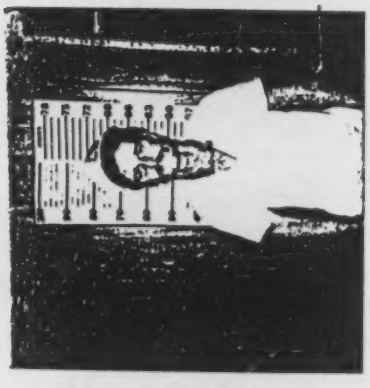
Dissemination:
WA

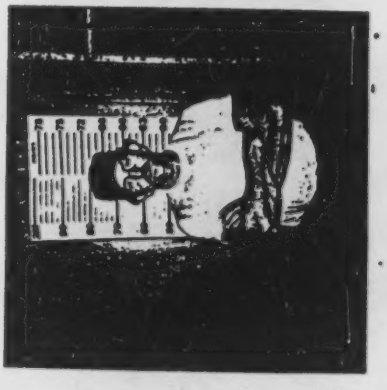
FD.
DLE4-3 (9/77)
This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

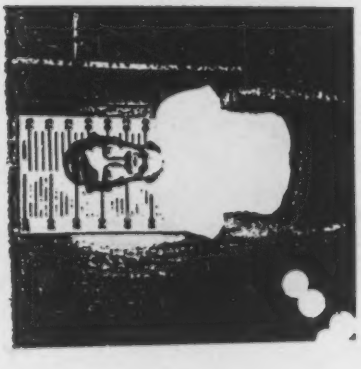
SMITH stated photograph #6 from the photo line-up best represents the subject she saw in the white pickup truck, throw an object believed to be a brick, at the van immediately preceeding then on Highway 45 North of metropolis, Illinois.

KANA SMITH further related to the agents that she has received second hand threats, indicating that if she identified the subject responsible she would receive a visit from some of the workers on strike.









ILLIN , DEPARTMENT OF LAW ENFORCE NT
INVESTIGATIVE REPORT

Division No:	Reporting Date(s):	Reporting Agent(s):		Lead No:
84F2062	August 28, 1984	S/A Edwin Thrailkill #2482		
Subject:	Case Agent:	Office:	Typed By:	Date:
MISSOURI PORTLAND CEMENT	Thrailkill	Zone 13	tw	08/29/84

On August 24, 1984, GORDON L. SMITH and his wife KANA I. SMITH were interviewed by Frank Williams, Massac County States Attorney Investigator, in reference to the incident occurring on Thursday, August 23, 1984, involving an object believed to be a brick, being thrown at a truck immediately in front of the SMITH'S vehicle.

Attached is a copy of the results of that interview.

Recommendation:

This document contains neither recommendations nor conclusions of the Illinois Department of Law Enforcement; it and its contents are not to be disseminated outside your agency.

ILSE4-3 (9/77)

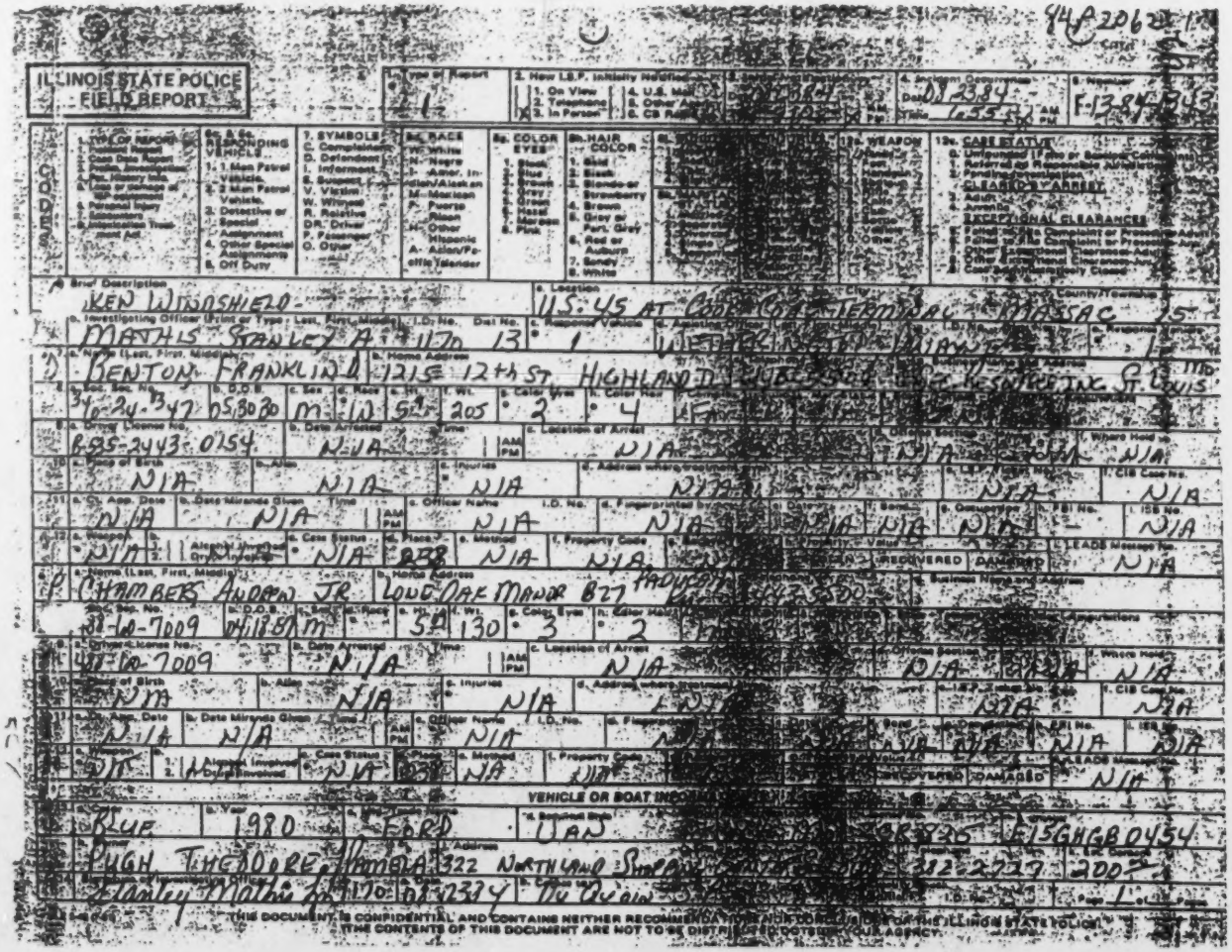
84P2062

The following investigative report reflects the interview of Gordon L. Smith W/M DOB: 12-08-54 KANA F. Smith W/F DOB: 07-03-60 conducted at the Massac County States Attorney's Office by Investigator Frank Wellin on 8-24-84 at 1:15 P.M.

GORDON & KANA Smith stated that on 8-23-84 at appx 6:55 P.M. they were returning to Metropolis, Ill. from the Joppa area. GORDON SMITH stated that after turning onto Rt 45 from the Joppa Rd., he was behind a blue van. SMITH stated that the van was traveling appx 35 to 40 MPH, and attempted to pass several times but was unable to due to oncoming traffic. SMITH stated that appx 1 mile south of the Joppa Rd on Rt 45 that he saw a white pick-up truck come over the hill from Oak Glen Lake. The truck was traveling at a slow rate of speed. SMITH stated that he was directly behind the van at this point. SMITH stated that as the Van and white pick-up approached each other that he saw the driver of the pick-up throw an object, he believed to be a brick at the van. Both GORDON SMITH and his wife KANA saw this occur. The object hit the vans windshield and seemed to stay there for a moment and then fell off to the right side of the road. SMITH stated that he feared the

84P 2662

object was going over the van and would hit his vehicle. He was concerned about his wife and four children in the car. SMITH stated that glass and rock or brick debris hit his vehicle but no one was injured. SMITH stated that once the object had been thrown that the white pick-up speeded up going north on Rt 45. SMITH stated that he viewed the truck in his rear view mirror and the tail gate of the truck was either down or missing. KAYE SMITH stated that she saw the individual throw the brick and felt she could identify the person. She described him as follows, White Male, in his 30's, wearing some type of 'T' shirt, had on a green hat, and had a mustache. She stated that the individual appeared to be muscular. GORDON SMITH stated that after the incident happened he was going to report it to the Sheriff's Dept. when the Van and he met a State Troopers on the road.



ILLINOIS STATE POLICE
FIELD REPORT

94A206

Case

F-1384-B43

KEN WINDSHIELD -

US 45 AT CODE CO LINE MASSAC

MATHIS STANLEY A

BENTON FRANKLIN D 1215 E 12th ST HIGHLAND

CHAMBERS ANDREW JR LOVE OAK MANOR B27

BLUE 1980 FORD VAN

HUGH THEODORE HOMER A 322 NORTHLAND SHOPPING

Stanley Mathis

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TIME	TYPE OF VEHICLE	YEAR	MAKE	LICENSE NO.	STATE	TIME	COLOR OF VEHICLE	YEAR	MAKE	LICENSE NO.

[redacted] PRELIMINARY DRIVER MET A WHITE FORD PICK-UP TRUCK DRIVEN BY A [redacted] MODEL [redacted] JUST PRIOR TO MEETING THE TRUCK THE DRIVER OF THE N/B PICK-UP PITCHED [redacted] AT THE VAN. THE BRICK STRUCK THE WINDSHIELD SHATTERED IT, LEAVING A APPROX 4 INCH HOLE. NO APPARENT INJURIES. WITNESS WAS GORDON E. SMITH (WM 10-03-54) & WIFE KAREN A SMITH (WF 07-03-55) OF 903 W 19TH METROPOLIS IL.

WITNESSES STATED DRIVER OF THE PICK-UP TRUCK IS A [redacted] MALE BEARING WHITE T-SHIRT, JEANS & A GREEN & WHITE BALL CAP.

WITNESSES DRIVING A BROWN 69 Plymouth FURY III. ILL LICENSE BDY 539 (84 [redacted]) ALSO IN VEHICLE WERE 4 CHILDREN.

TPR WEATHERINGTON WENT TO PORTLAND CEMENT FRONT GATE AND HEAD SUB AND VEHICLE MATCHING ABOVE DESCRIPTION. SUBJECT TAKEN TO MASAC'S FOR IDENTIFICATION PROCESSING.

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The CHAIRMAN. Did they ever ask you whether you could name the man or not?

Mr. SMITH. Later they asked us if we—you know, later we caught onto the name, because people had told us who he was, you know, after a while, like she saw him in a parade, and that is when I noticed him. She pointed him out to me and said, "That's the man that threw the rock."

Mrs. SMITH. Over the weekend, even before the police came to ask me to identify him, I saw him uptown and pointed him out.

The CHAIRMAN. I see. Now, as I understand it, somebody called you a liar in the grand jury proceeding.

Mrs. SMITH. Yes.

The CHAIRMAN. Who was that?

Mrs. SMITH. There were three men. I don't know the men by name.

The CHAIRMAN. Were they part of the jury?

Mrs. SMITH. Yes.

The CHAIRMAN. They were part of the jury?

Mrs. SMITH. This one guy, he was real—and I felt like that, you know, he was biased before I even came in the room, but he jumped up and he told me, he said, "You couldn't have seen what you saw." He said, "That's a lie." I was irate. You know, if the situations had been different, I would have probably had him.

The CHAIRMAN. Do you know who the person was——

Mrs. SMITH. No.

The CHAIRMAN [continuing]. Who threw the brick?

Mrs. SMITH. Oh, yes.

The CHAIRMAN. What was his name?

Mrs. SMITH. His name was Carl Medley.

The CHAIRMAN. Does he belong to local 438?

Mrs. SMITH. Yes.

Mr. SMITH. Yes, sir.

The CHAIRMAN. I see. Has he ever been indicted?

Mrs. SMITH. We go Friday, the first.

Mr. SMITH. Yes. March 1, we have to appear in court.

The CHAIRMAN. Now, is this in a criminal case?

Mr. SMITH. No; this is for the——

Mrs. SMITH. Contempt?

The CHAIRMAN. This is another one of the contempt of court proceedings?

Mrs. SMITH. I think so.

Mr. SMITH. Yes; that is what it is.

The CHAIRMAN. I see. Do you think that the Department of Justice might do a better job of protecting your rights and investigating these matters than what was done in this case?

Mrs. SMITH. Something needs to be done.

Mr. SMITH. Something.

Mrs. SMITH. Something more than——

Mr. SMITH. I don't know who could do anything any better, but something needs to be done, because, I didn't have anything to do with anybody, do you understand?

The CHAIRMAN. Yes.

Mr. SMITH. And, all of a sudden, here I am. My wife's life is being threatened. She has been threatened twice.

The CHAIRMAN. Your life has been threatened?

Mrs. SMITH. Yes. Friday before——

Mr. SMITH. Friday, before we left, she was threatened if she appeared here, that they were going to get her.

Mrs. SMITH. That I would never appear anyplace else again.

The CHAIRMAN. Is that right? Do you know who that was who——

Mrs. SMITH. Not as yet.

Mr. SMITH. They haven't tracked it down.

Mrs. SMITH. We know for a fact that it is some of the union men.

The CHAIRMAN. Would you be willing to cooperate with the FBI in the investigation of this, these threats?

Mrs. SMITH. Yes, Oh, the FBI, they came down on Saturday after the threat on Friday, and we told them everything that we could.

The CHAIRMAN. Well, why did you come forward and testify when you have been threatened like that?

Mrs. SMITH. Because the guy that threw the—like my husband said——

Mr. SMITH. We know who threw the brick. There is no doubt.

Mrs. SMITH. We had nothing to do with Portland, you know, or unions or anything else. He didn't give us a second thought. He could have killed us, and he didn't care. As long as he did some kind of damage to somebody, he didn't care.

The CHAIRMAN. And you just feel, as citizens, you need to get this cleared up?

Mrs. SMITH. Yes.

Mr. SMITH. Yes.

Mrs. SMITH. It has gone too far.

The CHAIRMAN. Well, I want to thank you both, and I am going to see that the FBI follows up on this, or at least do my best to see that they do.

I appreciate your being here today. I appreciate all four of you being here today, and I want to thank you for your testimony. Thank you so much.

Let's have our last witness, Joe Jackson, who is the former Illinois State's attorney.

Mr. Jackson, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JACKSON. I do.

The CHAIRMAN. Thank you.

STATEMENT OF JOE JACKSON, FORMER ILLINOIS STATE'S ATTORNEY

The CHAIRMAN. Would you please state your name for the record?

Mr. JACKSON. Yes. My name is Joe Jackson.

The CHAIRMAN. Please give us a brief sketch of your professional experience.

Mr. JACKSON. Senator, if possible, I have made a few notes notes based on some of the testimony that was here today. Would it be permissible for me to read a statement that is not very polished but would probably take not over 3 or 4 minutes?

The CHAIRMAN. It sure would, but do you tell your professional background in the statement?

Mr. JACKSON. No. I will be glad to hit that, Senator.

The CHAIRMAN. Just tell us that before you do.

Mr. JACKSON. My professional background is, I am a lawyer in private practice in Metropolis, IL. I have been in private practice in Metropolis since 1979. Prior to that time, I was a special agent with the Federal Bureau of Investigation for 6 years. Prior to that time, I was in college and in the military.

The CHAIRMAN. Did you serve as State's attorney in Metropolis, IL?

Mr. JACKSON. Yes; I served as State's attorney at Massac County from November 1980 through November 1984.

The CHAIRMAN. As I understand it, you were defeated for reelection?

Mr. JACKSON. That is correct.

The CHAIRMAN. Did you run on a party ticket?

Mr. JACKSON. Yes; I did.

The CHAIRMAN. You were what party?

Mr. JACKSON. I ran on the Democratic Party.

The CHAIRMAN. What were your functions as State's attorney?

Mr. JACKSON. The State's attorney is the prosecuting official for all violations of Illinois statutes. All criminal statutes of the State of Illinois that are investigated either by the city police department, the State police, the sheriff's office, or the Illinois Department of Criminal Investigation are referred to the State's attorney's office for prosecution.

The CHAIRMAN. I see. Then you were in office for the first 5 months of the strike; that is, from June 15 to November 15, 1984?

Mr. JACKSON. That is correct.

The CHAIRMAN. Well, if you would like, you can read your statement. You have just written this out while you were here today?

Mr. JACKSON. Well, I made some notes last night. I wanted to be sure that I addressed some points that I have heard in testimony here today.

The CHAIRMAN. Go ahead. Just read it to us.

Mr. JACKSON. I think your questioning to this point, Senator, I think that is initially where I was going to start.

I would also say that the Illinois Legislature has provided three manners of commencing prosecution that can be utilized by a State's attorney. A citizen or a law enforcement officer can file a complaint, which is a charge prepared by the person or by the law enforcement officer which can be filed, which will commence prosecution.

Also, a State's attorney can, by way of information, which is a verified charge under oath, commence prosecution; or prosecution can be commenced by presentation of cases to a grand jury for the grand jury's prosecutorial consideration.

During my term as State's attorney, the majority of prosecutions were commenced—of the misdemeanor variety, particularly, the traffic offenses are commenced—by the law enforcement officers filing complaints that don't even go through my office. I become aware of them when they are sent for first appearance in court.

Most other misdemeanor and felony prosecutions were commenced by my office by filing of informations under oath, where one complainant would come to the office. We would investigate, prepare a charge, it would be signed under oath, and the charge would be filed.

The third manner of commencing prosecution, of course, is the presentation of evidence under oath before a grand jury, and the grand jury voting on whether or not to return a bill of indictment.

When the labor-management dispute occurred between the Missouri Portland Cement Co. and local 438, this was a completely different situation from the run-of-the-mill prosecutions referred to the office. The allegations on both sides were completely different.

It also occurred in a particularly difficult time for Massac County for the reason that the sheriff's office, at the time the labor-management dispute arose, was completely in a shambles as a result of circumstances that had nothing to do with the labor-management dispute.

The year before, the sheriff's office had a budget of almost $500,000. The sheriff's office had 29 employees. It had completely different resources than it had at the time this strike started.

For one thing, a portion of this time, the sheriff had been convicted of a felony himself, had been removed from office. There had been interim sheriffs appointed. The budgetary constraints as a result of some of this conduct had resulted in the sheriff's office being down to only a sheriff and two deputies at the time many of these events occurred.

The CHAIRMAN. So they only had one sheriff and two deputies, with about 100-plus strikers?

Mr. JACKSON. Well, at times during the strike, that was in fact the amount of law enforcement personnel in the county.

The CHAIRMAN. I see.

Mr. JACKSON. However, the result was that the sheriff's office was in a very poor condition to deal with the daily demands placed upon the sheriff's office under routine situations and was completely ill equipped to deal with any added burden that would have been added by the strike.

Very early in the strike, as is clear by the testimony, the Missouri Portland Cement Co. filed for an injunction. The union also sought an injunction, and a reciprocal injunction against both parties—in some fashion which I am not fully familiar with, but the other people who were here and testified are—did in fact occur.

Now, both Missouri Portland Cement Co. and members of the union reported a number of alleged violations of the restraining order, voluminous alleged violations of the restraining order that apparently, at least on the union side, many of them—and, I think, also on Missouri Portland's side—would not have been violations of the criminal law, but were, they felt, violations of the reciprocal restraining order that had been entered.

Of course, my position as State's attorney was that enforcement of that civil order should be through the civil contempt proceedings of the court.

Now, the testimony that you have heard about the situations here today are different than the majority of those. I think you have heard testimony here today of the more serious ones that I

have become aware of in one fashion or another, and I don't want to give any indication—I don't want this committee for one minute to feel that I am saying that I condone violence in any shape, form, or fashion. I think that, obviously, this country cannot tolerate violence from any quarter. Unlawful violence is not permitted.

However, both sides presented violations that they alleged were violations of the criminal statutes of the State of Illinois.

Now, the first criminal violation that I became aware of involved an individual by the name of Garold Blanchard that shattered the windshield of a vehicle that crossed the picket line at the entrance to the Missouri Portland Cement plant.

Now, this incident was recorded on videotape. I have heard earlier testimony that this tape has been made available to the committee, and I think it bears watching.

Now, Garold Blanchard immediately——

The CHAIRMAN. We will make that part of the committee record, of course.

Mr. JACKSON. Garold Blanchard was immediately placed under arrest. He was charged with criminal damage to property.

Representatives of the Missouri Portland Cement Co. also advised me at that time that the same videotape that showed Garold Blanchard shattering the windshield would also show a striking union member by the name of Larry O'Brien slashing the tires of the vehicle.

Now, this was of particular concern to me because Larry O'Brien's daughter was my secretary in the State's attorney's office, and if there were some situation there where he was in fact slashing tires, or if there was some strong indication that he was, if there was some reason why I would have an interest in the case, I would have to remove myself, appoint a special prosecutor, or prosecute the case or whatever.

At any rate, we were furnished a videotape of the incident. My investigator and I viewed this videotape several times, and, of course, it is abundantly clear that Garold Blanchard draws back at a point on the tape like a baseball bat, as the testimony is, and shatters the windshield.

Knowing Larry O'Brien, and watching this tape repeatedly, I have not seen Larry O'Brien or anyone else slashing any tires. I would testify under oath at this time that I don't believe that that is on the tape, because I have watched the tape enough to know that I don't believe that it is there.

Members of the union, by the way, made complaint that the car that crossed the picket line endangered the safety of Garold Blanchard, and their position was that he was in the way of the vehicle, and that there were State policemen present, and that if in fact he were to be moved, they thought the proper procedure would have been to have the State policeman make Garold Blanchard move rather than using the force of the vehicle to push him out of the way.

I mention this, Senator, to show you the wide disagreement between people that are there, that are supposedly eyewitnesses, that see things under oath, that testify as to what happened, and when someone sees a tape, of course, the tape speaks for itself.

I would further suggest that sometimes there is very little similarity between what appears on the tape and what either side represents will appear on the tape.

At this time, again based to a large extent on the wide discrepancies between what was represented by the union members, on the one side, and between what was represented by the Missouri Portland Cement Co. officials and employees, on the other side, I assessed the situation and I made a decision that any prosecutions of criminal violations, alleged criminal violations, that occurred regarding the labor-management dispute would be presented to the grand jury, that we would get a situation where we would get a grand jury, we would call in all the witnesses under oath, and we would present whatever matters either side thought merited consideration of the grand jury.

I advised the attorneys of Missouri Portland of my decision to proceed in this manner. I advised representatives of local 438 of my decision to proceed in this manner. I also advised the Massac County sheriff and the members of the State police that were on the scene that, notwithstanding that policy, they are empowered, under the law of the State of Illinois, to make arrests based upon probable cause for offenses that are committed in their presence, and that these complaints can be filed without going through the grand jury process.

I felt that that was the proper way to do it, if a law enforcement official observed it and could do it. However, if it were going to be a situation that was going to involve conflicting allegations and counterallegations, the grand jury process was the proper way to go.

The CHAIRMAN. So you could have filed informations in these cases, but you decided to go to the grand jury.

Mr. JACKSON. That is correct.

The CHAIRMAN. Now, my staff has been informed that a Mr. Jack Mizell, who was a bargaining agent for local 438, was a member of the grand jury during this period. Were you aware of that?

Mr. JACKSON. Jack Mizell was a member of the grand jury for part of the time.

Now, we presented several matters involving complaints by the Missouri Portland Cement Co. to the grand jury.

The CHAIRMAN. I see.

Mr. JACKSON. The grand jury stands for a period of 6 months, and it comes in periodically, monthly.

The CHAIRMAN. Right, but he was a member of that?

Mr. JACKSON. He was.

The CHAIRMAN. And as I understand, he did not recuse himself from hearing cases arising from the violence at the Joppa plant. Is that correct?

Mr. JACKSON. That is correct.

The CHAIRMAN. Well, does his involvement in these cases constitute a conflict of interest, in your opinion, or at least a problem, in your opinion?

Mr. JACKSON. I think that is a continuing problem for the grand jury system. As I think you know, Senator, the grand jurors are se-

lected by the county commissioners at random from a list of registered voters.

The CHAIRMAN. Isn't there anything you could have done to have had him removed or at least had him recuse himself from hearing cases that involved the Missouri Portland strike?

Mr. JACKSON. To my knowledge, there is no step that a prosecutor can take to have someone removed from the grand jury without being able——

The CHAIRMAN. Is that right?

Mr. JACKSON. There is an oath that the grand jurors take which indicates that they will consider things fairly and that they will——

The CHAIRMAN. Let me get another fact about grand juries. Is it possible for people or for members of the public to see or have contact with individuals who are waiting to testify before the grand jury?

Mr. JACKSON. The grand jury is conducted in a room that is off the large courtroom, which is across the hall from my office. Now, it is customary for the witnesses to come to my office before going to the grand jury room and for me to speak with them regarding their testimony prior to going to the grand jury room, which does require walking from what was my office across the hall and through the courtroom——

The CHAIRMAN. So they could come in contact with various people, then?

Mr. JACKSON. Certainly.

The CHAIRMAN. I see. On one occasion, did a union member named Jess Kester actually enter your office where several individuals were waiting to testify before the grand jury on a matter involving the strike itself, and say something about how it stunk in the room because of all the scabs?

Mr. JACKSON. That was reported to me. I was not there, but that was reported to me as having occurred. Yes, sir.

The CHAIRMAN. So that occurred, in your eyes?

Mr. JACKSON. It was reported to me by someone whom I have confidence told me the truth, yes. I did not observe it.

The CHAIRMAN. Do you believe that such comments could have intimidated grand jury witnesses?

Mr. JACKSON. I would have to back up. Now, it was a day when we were presenting matters involving Missouri Portland. I am not sure who was present. I think it would be obvious that if things like that were made to a potential witness, it could have a detrimental effect to their comfort.

The CHAIRMAN. Did your office receive reports of alleged violence against union members by company replacement workers?

Mr. JACKSON. Against company replacement workers? I am sorry, I didn't hear that.

The CHAIRMAN. Violence against company replacement workers by union—let me ask it both ways. Did you receive reports that union members had violence committed against them by replacement workers, or that violence was committed against replacement workers by union members?

Mr. JACKSON. There were a number of complaints in both ways. Now, most of the complaints by the union members involved what

I have heard testimony on earlier, involved the way the vehicles that were carrying the replacement workers were being driven, alleging that they were being driven in a reckless manner.

There were a number of other complaints by Missouri Portland personnel regarding——

The CHAIRMAN. Yes. What steps did your office take to follow up on the complaints?

Mr. JACKSON. OK, now, each—the situations are somewhat different. For example, in the situation of the shooting at Delbert Sullivan's house, immediately upon becoming aware of that particular situation, and due to the situation in the sheriff's office, I contacted the department of criminal investigation of the Illinois Department of Law Enforcement and requested them to become involved in the investigation.

They in fact did so. They have prepared an investigative report as to the results of their investigation. To my knowledge, there has not been a prosecutable case developed from the investigation.

The CHAIRMAN. In the interviews with the news media, union members have complained of an incident in which a company guard put on a Ku Klux Klan sheet and harassed picketers at the site. Did you receive a report on this incident from the office of the sheriff of Massac County?

Mr. JACKSON. Yes, I did.

The CHAIRMAN. Did you regard this incident as being significant enough to merit prosecution?

Mr. JACKSON. I considered it to be bad judgment, to be improper. I did not consider—from the report in the form that it reached my office, the information available to me, I did not consider it to be a criminal violation. Although it is none of my business, I thought it was probably a violation of the restraining order.

The CHAIRMAN. Sheriff Tucker, though, did recommend prosecution, didn't he, in that case?

Mr. JACKSON. During the time that Sheriff Tucker was appointed acting sheriff, I do not recall him ever recommending prosecution on any case. He was in my office very few times. He was in my office at the time he brought that report up, and if he feels he recommended prosecution, I wouldn't quarrel with him, although I don't recall him saying that.

My decision would have been the same, at any rate.

The CHAIRMAN. Sure. He told my staff that prosecution was recommended, and of course, this contrasts sharply with the treatment of shootings and other serious assaults against the company personnel during this same period.

In other words, he is concerned about some guy putting on a sheet, which was deplorable, obnoxious, stupid, and idiotic, but not a violation of law at that point, in your estimation, and yet he wanted to prosecute him even though he never came in and asked for any prosecutions on any of these other violence incidents. Is that correct?

Mr. JACKSON. Again, I don't recall him requesting prosecution on any case during the time he was acting sheriff. I do recall he was in my office with——

The CHAIRMAN. So far as you know, he never did ask for a prosecution on anything?

Mr. JACKSON. That is correct.

The CHAIRMAN. Did Sheriff Tucker ever ask you to prosecute any other incidents of violence stemming from the strike at all?

Mr. JACKSON. No.

The CHAIRMAN. A prior witness before the committee, Mr. Lang, has stated that you failed to act on an incident in which striker Randy Woods threw a bottle of caustic liquid into a guard van, even though Mr. Woods was found to have committed the act in question in a contempt of court proceeding.

Could you explain to us what steps your office did take with regard to Mr. Woods?

Mr. JACKSON. Maybe not in detail, but I do recall that when we received the allegation that Randy Woods had ridden a bicycle into the plant and thrown a caustic substance on some employees in a van, initially I was advised that there was a videotape which would show Randy Woods committing this act.

As the developments occurred, I was told that actually there was a videotape of Randy Woods riding a bicycle that had occurred earlier during that day, and that based upon viewing that tape after the occurrence, Randy Woods was identified.

The witnesses from the Missouri Portland Cement Co. were subpoenaed before the grand jury. All the evidence that we had regarding that incident was presented to the grand jury. Randy Woods was subpoenaed before the grand jury.

I would mention that Randy Woods is a twin brother. He has two other brothers that have a very close physical appearance to himself. The grand jury, upon hearing all of the evidence that was made available to them, voted a no true bill.

The CHAIRMAN. No true bill.

Mr. JACKSON. However, the contempt of court proceedings proceeded on, and the judge, I assume, would have probably heard the same evidence that was presented to the grand jury, and found him to be in contempt of court and, I understand, fined him $500.

The CHAIRMAN. So the judge found him guilty even though the grand jury let him go?

Mr. JACKSON. That is correct.

The CHAIRMAN. The same witness stated that the grand jury failed to indict Kenny Kerr for vandalizing a truck even though there was an eyewitness to the incident and there was actual eyewitness evidence.

Could you explain the steps your office took with regard to the incident involving Mr. Kerr?

Mr. JACKSON. When the Commercial Transport truck was vandalized on a street in Joppa—well, the following morning at approximately 8:15 I received a telephone call from Delbert Sullivan, who testified here earlier today, who related to me at that time the same things that he had related to this committee, and arrangements were made at that time for him in fact to bring Gerald Vanzant to my office, which he did within—I don't remember the exact time, but within the next 30 minutes he was in my office and we had an opportunity to discuss that with him.

Also at that time, or approximately at that time, the same morning, an attorney for the Missouri Portland Cement Co. took an affi-

davit from Mr. Vanzant which set forth the facts and circumstances of the occurrence.

Now, we subpoenaed all of the relevant witnesses including some witnesses who were in a position where we thought could have, should have, and, we thought, did observe some of the conduct, and we subpoenaed everybody before the grand jury, with the exception of Mr. Vanzant, who had departed the State of Illinois and was not available to testify before the grand jury, although by way of hearsay testimony and by way of affidavit, we were able to present everything to the grand jury that we had on that particular matter, and that was done.

The CHAIRMAN. Kana Smith testified that despite her willingness to testify that Carl Medley had thrown a brick at the windshield of a company van, she was never given an opportunity to even identify Mr. Medley before the grand jury. Could you comment about that?

Mr. JACKSON. I can comment to this extent. When that incident occurred, the windshield of the van having been shattered by the brick, Trooper Dwayne Weatherington, who is an Illinois State police trooper, was on the scene very quickly. He conducted an investigation. His investigation indicated to him at least a suspect, which was a Carl Medley.

He proceeded to the area of the Missouri Portland strikers' tent and, I am told, found a vehicle there that, in his judgment, closely resembled the description of the vehicle given by Mr. and Mrs. Smith.

Upon inquiry, he determined who the driver of the vehicle was. He obtained that person's photograph. He obtained other photographs for a lineup, photographic display lineup, to present to the Smiths.

Trooper Weatherington advised me that upon Mrs. Smith looking at the photographic lineup, she indicated a picture of Carl Medley as a person who appeared very similar to the person who had been driving the truck.

Trooper Weatherington further told me that Mr. Smith did not see the driver, did not claim to have seen the driver, and that Mrs. Smith was not sure of her identification.

Now, prior to the time that she——

The CHAIRMAN. Let me refer you to the police report of Trooper C. Dwayne Weatherington. You would have to read the whole report, I presume, but it does say in this one section, "Agent Ashman and the reporting officer went to Mr. and Mrs. Gordon Smith's residence, and, after viewing the photographs, Mrs. Smith picked out Carl Medley's photo as the driver of the white pickup. Agents Ashman, Thrillkill, and the reporting officer then went to Joe Jackson, Massac County State's Attorney, and presented him with our evidence."

So it looked to me like she identified him pretty solidly.

Mr. JACKSON. That is what the report says, Senator. However, when they came to the office and we were discussing the report, I said, "Was it a positive identification?" and I was advised that it was not, that she picked him out and said there were a lot of similarities.

The CHAIRMAN. Well, did you show her the picture before the grand jury and have her identify Carl Medley and say yes, this is the man?

Mr. JACKSON. No, I did not. I am not at liberty to—there are rules that do not permit me to say what, exactly, transpired in the grand jury room. However——

The CHAIRMAN. You don't have to say the testimony, but you can say what you did. Did you take the picture into the grand jury room at all?

Mr. JACKSON. I am not sure that that would be a proper question to answer, but I can answer it in this fashion and, I think, get the same information across, perhaps. I did not have possession of those photographs on the day the grand jury was conducted.

The CHAIRMAN. So you didn't take it in with you.

Mr. JACKSON. But I would like to further state, Senator, that the questioning before the grand jury regarding identification, if it were public, would speak for itself and would be inconsistent, I think, with the testimony that we have heard here today.

The CHAIRMAN. Mrs. Smith indicated that during the grand jury proceeding she was treated with hostility, and she felt like she was on trial. There has been some testimony of others to the same thing. Would you please comment about that?

Mr. JACKSON. The situation involving the strike, the labor-management dispute between Missouri Portland Cement Co. and the union, is a highly emotional issue in Massac County. However, the witnesses before the grand jury were, I think, treated with courtesy and with consideration.

Sometimes I think they may have been asked some questions that maybe they would rather they had not been asked. The law does permit a grand juror—the initial procedure is for the State's attorney presenting the indictment to conduct the questioning, and after that questioning is completed, the grand jurors have a right to ask questions.

As is sometimes the case, the questions are maybe not necessarily relevant to the matter before the grand jury, or at least may not appear so to certain persons. But I did not see anybody before the grand jury that I thought was treated in a disrespectful manner.

The CHAIRMAN. Was Jack Mizell there that day, do you recall?

Mr. JACKSON. Jack Mizell would not have been on that particular grand jury. There was a standing grand jury that had been standing for 6 months. If my memory is correct, Jack Mizell would have been on the grand jury that considered the Kenny Kerr and Randy Woods day of evidence, and there were a number of other things. The grand jury was not called in for that purpose. It had been standing before in another——

The CHAIRMAN. Are you sure of that?

Mr. JACKSON. I am not absolutely certain, but I think that grand jury had been—I think we had a new grand jury for this particular one.

The CHAIRMAN. OK. Well, you can see why I am concerned. I mean, we hear the testimony you have heard here today and what little really has been done about, and we are very, very concerned. We feel like these types of incidents should not be allowed to continue and should not have been permitted in the first place. Some-

thing more should have been done than what was done, and certainly, in a criminal sense, when they were able to identify some of these people and actually show who did the wrongs.

Well, I want to thank you for coming, Mr. Jackson. Why don't we put your full written statement in the record as a final exhibit?

Mr. JACKSON. It is just some notes. I think we have covered it.

The CHAIRMAN. That is OK. Let's put it all in. Just give it to the court reporter, and we will put it in as an exhibit. We will make that the last exhibit, and we will call it Jackson exhibit No. 1.

[Jackson exhibit No. 1 follows:]

JACKSON Exhibit # 1

Statement Before The
Senate Labor & Human Resources Committee

by Joe Jackson

My name is Joe Jackson and I am an attorney in private practice in Metropolis, Massac County, Illinois. I served as State's Attorney of Massac County from December 1980 through December 1984. As State's Attorney I was the prosecution official of all violations of state statutes occurring within Massac County.

The Metropolis Police Department, the Massac County Sheriff's Office, the Illinois State Police and the Department of Criminal Investigation of the Illinois Department of Law Enforcement would refer all cases involving violations of State Statutes to the State's Attorney office for prosecutional consideration.

The Illinois Legislation has by statute provided three methods of commencing a criminal prosecution:

1. Complaint
2. Information
3. Commencing prosecution

During my term as State's Attorney most prosecutions were commenced by law enforcement officers filing complaints or by my office filing an information, cases involving disputed facts or requiring further investigation were presented to the grand jury.

When the Labor/Management dispute occurred between the

Missouri Portland Cement Company and Local 438 this was a unique situation as far as potential criminal prosecution was concerned. For one thing, the Massac County Sheriff's Office was in shambles as a result of circumstances having nothing to do with the Labor/Management dispute. The result, however, was that the Sheriff's Office at that time was in a poor condition to deal with the demands caused by the Labor/ Management dispute, and in fact during part of the time the Sheriff only had 2 deputies to deal with all of the Sheriff's responsibilities.

The Labor/Management dispute resulted in a strike by Local 438. Very early in the strike the Missouri Portland Cement Company filed for an injuction against the Union and the Union members. The Union sought an injuction also, and both sides obtained injuction relief. Both the Missouri Portland Cement Company and the members of Local 438 reported a number of alleged violations of the injuction to the law enforcement authorities for enforcement of the injuction. Enforcement of the injuction, of course, was not within the area of responsibility of the State's Attorney's Office.

Both sides also reported alleged violations for criminal prosecution. The first criminal violation that I became aware of involved an individual by the name of Gerald Blanchard that shattered a windshield of a vehicle that crossed a picket line at the entrance to the Missouri Portland Cement Plant. The incident was recorded on video tape.

Gerald Blanchard was immediately remorseful. He acknowledged guilt. I charged Garald Blanchard by way of information with

criminal damage to property. Representatives of Missouri Portland Cement Company also advised me that the same video tape showed another member of Local 438, that they identified by name (Larry O'Brian) as slashing the tires of the vehicle. Larry O'Brian, by the way, was the father of one of my secretaries at the time. I was furnished with a video tape of the incident.

My investigator, Frank Williams, and I viewed the video tape several times and we saw no indication of Larry O'Brian or anyone else slashing any tires.

Members of the Union, by the way, made complaint that the car that crossed the picket line endangered Garald Blanchard and others by continuing across the picket line even though Blanchard and others were physically in the path of the Vehicle. They felt that the driver of the car should have sought assistance from the State Policeman that was present at the scene to make Blanchard move if necessary rather than the driver trying to move Blanchard out of the way by the force of the vehicle.

At this time I used the best judgement that I had to assess how I should proceed in cases involving the Labor/Management disputes or allegations involving the company or the workers. I came to the conclusion, based on the circumstances, that all cases referred for criminal prosecution, whether by the Missouri Portland Cement Company or by the members of Local 438 would be presented to the Massac County grand jury for the grand jury's determination as to criminal prosecution.

I advised the attorneys for Missouri Portland of any decision to proceed in this manner. I advised the representatives of Local 438 of my decision to proceed in this manner. I advised the law enforcement officers, however, that if offenses were committed in their presence that they could make arrests on the scene based upon probable cause and file complaints to commence prosecution without going through the grand jury process. This was done in certain situations, involving only traffic violations.

The matters that were referred to the State's Attorneys Office thereafter were presented to the Massac County grand jury. The witnesses before the grand jury were treated with courtesy and consideration.

This whole area is an emotional one for the people of Massac County; however, the witnesses were questioned commensurate with the serious nature of the matters being presented to the grand jury. The key areas of a witnesses testimony were explored fully and directly...but not in a rude manner. Not by myself...and not by members of the grand juries. All evidence made available to us was presented to the grand jury. Also, the grand jury was advised of their rights and responsibilities including the right to subpoena any witness and any documents.

I appreciate the opportunity to appear before this committee... and I would welcome any questions you may have.

The CHAIRMAN. We will leave the record open for other Senators to submit written questions. Senator Grassley, in particular, wants to submit some written questions.

We will also put the statement of Senator Hawkins in at the beginning of this record, at the appropriate place, and insert at this point additional material received for the record.

[Material subsequently submitted for the record follows:]

DEPARTMENT OF LAW ENFORCEMENT
DIVISION OF STATE POLICE

LAWRENCE A. MARGELEWSKI - SUPERINTENDENT - 1 11 10 45

February 27, 1985

The Honorable Orrin G. Hatch
Chairman, Committee on Labor & Human Resources
United States Senate
Washington, D.C. 20510

Dear Congressman Hatch:

On February 19, 1985, Illinois State Police Officers Lieutenant John E. Richter and Master Sergeant Sam V. Dunning met in Metropolis, Illinois with staff members for the Committee on Labor and Human Resources. At the meeting, Mr. Kevin McGuiness and Mr. James Phillips explained the Committee's interest in learning about the recent labor dispute involving the Missouri-Portland Cement Company plant near Joppa, Illinois. The Committee's investigators also extended your invitation asking that someone from this Agency appear and testify in the hearing on February 27, concerning our role in issues related to the dispute. Before going on, I must tell you that your letter of February 13 was not delivered to our DuQuoin, Illinois Headquarters until February 19, the day of the meeting, therefore, provided our first opportunity to learn of any issue raised during the Committee's inquiry.

Although we quickly set about reviewing reports, teletype messages and operations logs, it was simply not possible to prepare appropriate representatives in time to travel to the hearing on February 27. Even though we could not send a delegate to testify in the hearing, we do wish to assist the Committee on Labor and Human Resources in this inquiry. The following is a written response to the several specific issues posed by the Committee investigators. Please note, in order to save space, the specific issues are not restated here. Our comments are, however, offered in the same order as the several issues were presented in the attachment to your letter. A copy of the attachment is provided as a reference.

Subparagraph 1: On June 16, 1984, about 12:30 a.m., an employee of the Missouri-Portland Cement Company called the State Police Headquarters in DuQuoin to report problems involving strikers. The District Operations Sergeant advised the caller that the State Police would assist the Massac County Sheriff as needed, and advised the caller to contact the Sheriff's Office in Metropolis. No subsequent call was received at the State Police District 13 Operations Center.

On June 16, at 4:25 p.m., Massac County Chief Deputy Sheriff Charles Barger called State Police District 13 to request assistance in handling strike-related incidents at the Missouri-Portland Cement Company. The Chief Deputy asked that State Police units meet with him at 7 p.m. near Metropolis, Illinois. A detail consisting of one State Police Sergeant and seven Troopers met with Massac County Officers and then assisted the Massac County Sheriff, Ronald Tucker, as the Sheriff read the provisions of a court order rendered earlier by the Massac County Circuit Court. The State Police on-scene supervisor called the District 13 Operations Center at 9:55 p.m. and advised that no serious problems had been encountered and that detail personnel had returned to normal duty.

According to the State Police on-scene supervisor, some vehicles entering the Missouri-Portland Cement Company plant were examined by strikers. Such inspections, however, were by agreement between the drivers of the vehicles and the striking employees. The drivers of the vehicle, in other words, permitted the inspection as a good will gesture. The police officers at the scene did not authorize or require vehicle searches and no complaint was made on which the Officers could act.

Subparagraph 2: As far as can be determined, no complaint by a Theodore Pugh has ever been received by the Illinois State Police. If Mr. Pugh was assaulted on June 16, 1984, he waited some eight months and then told his story only to Committee investigators.

Subparagraph 3: On July 7, 1984 at 11:05 p.m., a State Police Trooper was assigned to investigate an incident at the Missouri-Portland Cement Company plant. The Trooper's field report indicates that some time around 10:30 p.m., an unknown person on a bicycle had approached a van occupied by two private security guards on plant property. According to the report, the bicycle rider then tossed a bottle containing a foul smelling liquid into the passenger side window of the van. Apparently, the liquid was spilled on both occupants. Shortly thereafter, two other private security guards entered the van, and they too were contaminated by the smelly liquid. The Trooper reported that all four guards were taken to Lourdes Hospital, Paducah, Kentucky, for examination. Of the four persons, three received no treatment at all; one was actually examined and found to be uninjured.

The bottle, along with whatever liquid still remained in the container, had been collected by a Missouri-Portland Cement Company employee and was not available to the investigating Officer as evidence. Interviews with persons in the plant area were nonproductive.

A Division of Criminal Investigation Special Agent was assigned to conduct a follow-up investigation. The Officer found that the bottle and its remaining contents were still unavailable. Apparently, the small bottle had been taken from the Missouri-Portland Cement Company plant to be used as an exhibit in a civil proceeding before the Massac County Circuit Court. Without the evidence, and without forensic examination and analysis of the contents of the bottle, the criminal case could not be pursued.

Subparagraph 4: On July 11, 1984, about 12:30 a.m., a State Police Trooper was assigned to investigate a report of criminal damage to a truck owned by the Commercial Transport Company, Inc. The incident took place in Joppa, Illinois. In this case, the preliminary report was completed by the Trooper and by a Division of Criminal Investigation Special Agent assigned to conduct the follow-up investigation.

During the follow-up investigation, a witness was located. At first, the witness was very reluctant to talk about the incident, but eventually did give testimony before the Massac County Grand Jury. Based upon the investigation, suspects were identified. The Massac County Grand Jury, however, failed to vote a true bill indicting any suspect.

Subparagraph 5: On July 2, 1984 about 12:50 a.m., a District 13 Trooper was assigned to investigate a report of a shooting at the residence of Delbert R. Sullivan. The Trooper responded, along with Massac County Sheriff Tucker and a Massac County Deputy. This incident was investigated, initially by those three, and subsequently by a Department of Law Enforcement Crime Scene Technician and a Division of Criminal Investigation Special Agent. All leads in this case were exhausted. The Division of Criminal Invesgtigation still considers this case as being open and under investigation.

Regarding an allegation that Mr. and Mrs. Delbert Sullivan had been shot at on, or about, December 20, 1984, the incident has never been reported to the Illinois State Police. Apparently, this allegation has been made only to the Committee's investigators. At this time, there is no investigation being conducted relative to this issue.

Subparagraph 6: The complaint by Stewart W. Parker was made directly to the Massac County Sheriff's Office. The Massac County Sheriff's Office conducted the initial investigation (Massac County Sheriff's Office Case 2340). The Division of Criminal Investigation was subsequently asked to assist the Massac County Sheriff. All leads were exhausted. The case is still considered as being open and under investigation.

Subparagraph 7: A complaint by Andrew Chambers was made directly to the Massac County Sheriff's Office (Massac County Sheriff's Office Case 2341). Illinois State Police assistance was not requested in this case.

Subparagraph 8: This incident was not reported to or handled by the Illinois State Police. Apparently, the investigation and arrest were conducted by the Massac County Sheriff's Office.

Subparagraph 9: On August 23, 1984, about 7:10 p.m., a State Police Trooper was assigned to investigate a report of criminal damage to a motor vehicle. Actually, two District 13 Troopers would investigate this matter and the follow-up investigation was also conducted by a Division of Criminal Investigation Special Agent. The Massac County Grand Jury heard testimony in this case, but failed to vote a true bill indicting any suspect. We have been advised recently that the allegations made in this case will be raised in a civil proceeding before the Massac County Circuit Court on March 1, 1985.

Subparagraph 10: On October 10, 1984, about 1:05 a.m., a State Police Trooper was assigned to investigate a case involving criminal damage to vehicle. At the time, the driver of the vehicle stated that he could not identify the perpetrator. Other persons at the scene, however, subsequently identified <u>two</u> different persons as being the sole perpetrator. Relative to this case, no official complaint has ever been lodged with the Massac County State's Attorney. No further investigation by the Illinois State Police is pending in this case.

Subparagraph 11: To our knowledge, no person named Mark Spivey has ever conveyed information, of any kind, to the Illinois State Police.

On November 4, 1984, about 7:45 a.m., a State Police Trooper was assigned to investigate a report of a shooting on a rural road near Joppa, Illinois. A Department of Law Enforcement Crime Scene Technician assisted. According to the Trooper's report, the vehicle had been shot into several times. The bullets all appeared to have been fired from a .22 caliber firearm. Several projectiles were recovered from the vehicle and are in the custody of the Illinois Crime Laboratory. No suspects were seen or subsequently identified. While all leads, to this point, have been exhausted, the case is still considered as open and under investigation.

Subparagraph 12: This incident was reported directly to the Massac County Sheriff's Office. Massac County Sheriff Bob Butler investigated this case personally (Massac County Sheriff's Office Case 2475). The only assistance requested from the Department of Law Enforcement was a State Police patrol unit to provide back up security for the Deputy who answered the initial call. No request for investigative assistance has ever been made.

In matters involving labor disputes, the Illinois Department of Law Enforcement, in all of its Divisions, must assume a role as assisting agency. That is, the Illinois Department of Law Enforcement will provide support to local and county law enforcement agencies who are handling related calls for service, but whose resources may be too limited to be fully effective. Regarding the labor dispute involving the Missouri-Portland Cement Company plant near Joppa, Illinois, the Illinois State Police and Division of Criminal Investigation roles most often were to assist the Massac County Sheriff's Office. All calls for service were answered promptly, and subsequent investigations by a Division of the Department of Law Enforcement were conducted as they would have been in any criminal matter.

Actions taken during the early weeks of the labor dispute near Joppa, Illinois generally were based upon day to day assessments by the on-scene State Police supervisor and were designed to meet immediate needs. Overall, the State Police approach was to commit resources at the level necessary to carry out day to day operations. In other words, actual incidents at or near the plant site determined the level of our commitment.

If a law enforcement agency at the scene of any labor dispute is to be effective, the Officers must deliberately maintain and exhibit a neutral posture. Police role must be to protect persons and property and to maintain the general order. At the same time, police officers at the scene must be extremely careful to avoid treading on civil liberties. Civil matters must be resolved by the parties to the dispute without police intervention. Unfortunately, the distinction between criminal and civil issues is not always crystal clear. Those determinations, generally, are only obtained long after the actual events have occurred.

Once again, we in the Illinois State Police do wish to assist the Committee on Labor and Human Resources in any way we can. It is sincerely hoped that the comments made above will be of some value to the Committee as it progresses in its inquiry.

Very truly yours,

James B. Zagel
D i r e c t o r

Captain Raymond C. Niepert

By: Captain Raymond C. Niepert
District Commander
Division of State Police

Mr. CHAIRMAN. So, with that, we will recess until next Thursday with regard to this matter. We will recess until next Thursday, and hopefully, the union people will show up at that time. We will certainly give them the opportunity to do so.

[Whereupon, at 1:59 p.m., the committee recessed, to reconvene at 9:30 a.m., Thursday, March 7, 1985.]

LABOR VIOLENCE

TUESDAY, MARCH 26, 1985

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met, pursuant to recess, at 9:36 a.m., in room SD-430, Hon. Orrin G. Hatch (chairman of the committee) presiding.

Present: Senators Hatch, Grassley, Wallop, Kennedy, Metzenbaum, Dodd, and Simon.

OPENING STATEMENT OF SENATOR HATCH

The CHAIRMAN. Today we begin our second day of legislative oversight hearings addressing the issue of violence against employers, employees, union members, independent contractors, and the general public during labor disputes.

As we did in the first hearing, we will concentrate on a strike of the Missouri-Portland Cement Co. facility in Joppa, IL, by the United Cement, Lime, Gypsum, and Allied Workers, Local 438, a division of the International Brotherhood of Boilermakers.

The purpose of these hearings remains unchanged. I feel, to better understand the nature and extent of labor-related violence, we need to address the following three questions: First, what types of criminal acts are occurring; second, why are our Federal, State, and local law enforcement agencies and their judicial counterparts unable to prevent labor-related violence; and third, is there a need for legislation to complement the bill introduced by Senator Grassley to amend the Hobbs Act, S. 300, which would provide victims of violence with an effective means for redress?

As is true with all labor disputes, there has been an effort by some to affix blame for the strike at Joppa on one side, implying that the failure of the employer to bargain in good faith caused the violence. Such efforts only obfuscate the real issue.

We should not be concerned with condoning or justifying violence. We should be concerned with its elimination. Certainly, dissatisfaction with the outcome of labor negotiations is no license to break the law. With our broad panoply of labor laws, there is no need to resort to criminal acts to convey one's message or to advocate one's position.

I hope that today we will be able to focus on the nature of the violence being committed and what steps should be taken in order to prevent such acts from occurring in the future.

During our last hearing, witnesses testified about shootings, beatings, millions of dollars in property destruction, threats on life, assaults, and wanton disregard for human life. We learned of how a

small town's judicial process simply broke down under the weight of the violent acts being committed in the community.

The prior witnesses specifically named three individuals as having committed illegal acts. Those three, Jeff Adams, Carl Medley, and Jess Kester, were invited to testify today—in fact, I made it very specific—but, to the best of my understanding, they declined the committee's invitation.

Today we will hear from the union's president, Mr. David Beck; the Illinois State Police; two union members, Robert King and James H. Anderson; and Greg Peterson, a former security guard at the Joppa plant.

At the request of the minority, I also invited Mr. Tom Hall, Mr. Clifford Nuckols, and Sheriff Robert Butler of Massac County, IL. All declined our invitation to testify.

Senator Kennedy.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you, Mr. Chairman.

I want to thank Chairman Hatch for scheduling the second day of hearings on the labor dispute between the Cement Workers Local 438 and the Missouri-Portland Cement Co., located in Joppa, IL.

In convening these hearings last month, Senator Hatch outlined a detailed agenda for an inquiry into the extent, nature, and causes of violence which occur in connection with labor disputes. The broad scope of the inquiry outlined and the seriousness of the charges made by company officials against the union and Illinois law enforcement agencies make it absolutely essential that the committee develop a complete and balanced record concerning the events at Joppa before we proceed any further.

I believe very strongly that assaults, property destruction, and other acts of violence which occur on a picket line or elsewhere during a labor dispute are serious matters which should be promptly investigated, prosecuted, and punished.

At the same time, I believe a most rigorous examination of existing State and Federal remedies is required before proceeding with any additional Federal legislation in the area of strike-related violence. That examination should include an evaluation of the effectiveness of Federal rules designed to protect the legitimate rights of workers to organize and bargain collectively and the role of the so-called labor-management consultants who profit from union busting.

It is no secret that for several years now, a nationwide campaign conducted by the National Right To Work Committee has sought to create the impression that a wave of union-sponsored violence is sweeping the country and that State and local enforcement officials are either unable or unwilling to prevent it.

Repeated hearings before the Judiciary Committee on legislation to amend the Hobbs Act have thus far failed to show that there is a pattern of unprosecuted violence or that a fair Federal remedy can be fashioned without undermining both legitimate workers' rights and the collective-bargaining process.

Moreover, there are disturbing signs that at least some unsolved acts of violence may have in fact been perpetrated by the enemies of the collective-bargaining process. The peaceful resolution of labor disputes is the cornerstone of the collective-bargaining system that has served America's workers and our economy very well for 50 years.

I welcome today's hearings on the events which occurred in Joppa and hope it will help us find the best way to preserve and promote peaceful labor relations in this country.

The CHAIRMAN. Senator Simon.

STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. Thank you, Mr. Chairman.

I simply want to join Senator Kennedy first in expressing appreciation to the Chairman for holding this second hearing.

None of us approves of violence, whether it is caused by labor or management. The peaceful resolution of these problems is essential, and I think the witnesses on both sides ultimately will agree on that.

I would like to enter into the record the answers to a series of questions I sent to the company. Those questions are all answered with the exception of one question on the financial statement of the company, and I assume that will be coming. Both Senator Metzenbaum and I have requested that.

[Responses to questions submitted by Senator Simon follow:]

PAUL SIMON
ILLINOIS

United States Senate

WASHINGTON, DC 20510

February 27, 1985

The Hon. Orrin G. Hatch
Chairman
Committee on Labor and Human Resources
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

Please find enclosed a series of questions which I would like to have answered by the company officials of Missouri-Portland Cement Co.; the members of McGlinchy, Stafford, Mintz, Celino & Lang, P.C.; and Mr. Joe Jackson, former State's Attorney for Massac County. These, as well as their responses, should be included in the record of the February 27 hearing of the Labor and Human Resources Committee.

I would also like to request that two copies of the transcript be sent to my office as soon as it is available.

I understand that you announced, at the end of today's hearing, that you intended to reconvene or to schedule the second day of hearings on "Labor Violence" on next Thursday, March 7, 1985. Since the second day is being arranged at the request of Senator Kennedy and myself, and because I very much want both the labor union officials and several local law enforcement officials to be present, I believe we should schedule the hearing on a day when we are certain they can attend. The testimony of the law enforcement officials is particularly critical -- given the testimony of company officials. I would also like to have in hand the responses of the Company representatives to the enclosed questions and responses to other questions raised by our colleague, Senator Metzenbaum before we proceed.

Thank you for your cooperation.

My best wishes.

Cordially,

Paul Simon
U. S. Senator

PS/sss

CC: Senator Kennedy
Senator Metzenbaum

QUESTIONS FOR MISSOURI-PORTLAND CEMENT COMPANY OFFICIALS

1. What concessions were you asking from the union? Did you think they were reasonable? Did you expect the union to accept them?

2. You indicated negotiations began on February 29, 1984 and lasted until June 13, 1984. It has been established that a chain link fence was installed around your plant. When did you install it? Would you describe it in detail? Why did you install it? Whose idea was it to install the fence?

3. Did you also put up floodlights? Would you describe them? Where were they located? When did you install them? Why did you install them? Was there another set of lights installed at a later date?

4. You mentioned videotapes. When did you acquire the videotape cameras? Who suggested it? When did you begin taping? What did you tape? Will you make the complete videotape available to the committee?

5. Were the floodlights installed so the video cameras could be used at night?

6. When did the company first contact Mr. Lang? When was he retained? How did you happen to contact him? Had he represented the company before? Did he suggest the use of the video cameras?

7. How many security guards did you have at the plant in November, 1983? In December, 1983? In January, 1984? What company furnished them? What other companies furnished security guards for Missouri-Portland? When were they first contacted? How many guards do you now have and what company furnishes them?

8. Do security guards have to have a license? Did you or your security company give tests for obtaining such license? Were the answers furnishes to persons taking the test before the test was taken?

9. Have your security guards been armed? Do you have any intentions to arm them? Have you asked security guards to fill out applications for gun permits? Did the applications state that the applicant had firearms experience when he hadn't in any case?

10. Did you receive any reports from security guards about drinking and marijuana smoking by replacement workers? If so, did you take any action against those employees?

11. What were the circumstances which led to the breaking off of negotiations on June 13, 1984?

12. Did the union offer to return to work unconditionally in August 1984? What date?

13. When did you first decide to hire replacement workers? When did you begin to hire replacement workers? When did you complete the hiring of replacement workers? How did you go about hiring them?

QUESTIONS FOR THE COMPANY (cont'd.)

14. Who are Hall and Associates? When did you first have contact with them? Who contacted them and with whom did you deal? How did you happen to contact them? What services did they provide for the company?

15. Do some replacement workers carry guns?

16. Was the helicopter you mentioned owned by the company? When was it acquired (or when was the service of the helicopter acquired)? At what price was it acquired?

17. Do you plan to attempt to decertify the union?

18. When did you retain the law firm of McGlinchy, Stafford, Mintz, Celino and Lang, P.C.?

19. What services did this law firm provide to your company?

20. Did the law firm have any direct contact with company employees other than supervisors?

21. Did the law firm instruct supervisors in labor relations matters?

22. Did the law firm gather any information for the company about the company's employees, potential replacements or Cement Workers Local 438?

23. If so, was this informations gathered in connection with either bargaining or in connection with the company's plan to replace the work force with non-union workers?

24. During your testimony on February 27, in response to a question about the Company's financial situation and the need to reduce costs at the Joppa cement plant, you indicated that you had supplied the union (after a request was made) with "...everything they asked for." Please provide that material to the Committee. In addition, please provide a certified, audited copy of the Company's Financial Statement and Balance Sheet for the last four years (1981-1984). To the extent possible, segregate the data so that the Joppa plant information is shown separately.

25. How was the decision made to replace the company's work force with non-union workers and who was involved in making that decision?

26. Has the company filed Department of Labor Form LM-10 required by Section 203(a) of the Labor Management Reporting and Disclosure Act with respect to its agreement with and payments to the McGlinchy law firm?

27. Hall & Associates has claimed in client solicitation letters that it was hired by your company to "replace the company's striking work force in its plant in Joppa, Illinois" and that it did so "on a very discreet and successful basis...without the union ever realizing what was going on." Was this the arrangement with Hall & Associates?

QUESTIONS FOR THE COMPANY (cont'd.)

28. What payments were made to Hall & Associates for providing these services?

29. Did Hall & Associates work iwth the McGlinchy law firm in coordinating these efforts?

30. Did Hall & Associates have any direct contact with company employees who were replaced by the secretly recruited work force?

31. How did Hall & Associates recruit the replacement employees? Did this involve direct contact with them, or any discussion as to union matters?

32. Did Hall & Associates supply you with any information about then-current employees, recruited replacement employees, or Cement Workers Local 438?

33. Has the company filed an LM-10 report with the Department of Labor regarding its agreement with and payments to Hall & Associates?

34. In October, 1984, after some complaints from the Company, the Union (in writing) asked you to notify them of any incidents you knew about, that they would investigate it and tell you their results and their action taken.
Did you at any time after that letter notify them of claimed incidents so they could try to stop or correct them if they occurred?

35. One of the replacement employees was indicted and pled guilty to possession of an automatic weapon at the plant area. Is he still working for the Company?

36. Did you go on television and say people brought guns in to the plant to shoot pigeons? Were these automatic weapons?

37. If the people caught with funs are some of the ones you now have working in the plant, when you hear about some night-time shooting incident, do you question those employees inside one by one about the claimed shots?

38. Were you in state court during the injunction proceeding when the deputy sheriff testified about the Ku Klux Klan incident? Regarding this incident, I understand the Committee investigators picked up a sheet. Could you present it to the Committee? Do you know where the Ku Klux Klan uniform is at this time?

39. Four or five guards were involved in this incident. Before the incident was admitted to, was one of the guards fired?

40. Were all the guns in the plant tested for ballistics regarding the bullet in the citizen's headboard?

41. Did the Company obtain a state court injunction? What did you ask for in the injunction that was denied?

QUESTIONS FOR THE COMPANY (cont'd.)

42. Have you filed actions for contempt of court claiming persons have violated the injunction? Was a hearing held on your petitions by the state court? What decisions of the state court judge on those contempt cases do you disagree with?

43. How many contempt petitions have you filed? If you claim the Union is responsible for other incidents, have you filed for contempt citations on those?

44. In what way was the injunction issues by the state court less, or weaker than, the one sought by the Company?

45. In the six different violations for contempt of the injunction brought by the Company in state court, in which instance do they disagree with the finding of the state court judge and why?

46. If the Company feels that there were violations of the injunction other than the six incidents on which they filed citations, what kept them from filing on those other incidents in state court?

QUESTION FOR JOE JACKSON, FORMER STATE'S ATTORNEY, MASSAC COUNTY

1. Is it your view that there has been a difference between what witnesses testified before the grand jury and what has been said in public by the same witnesses? Be as specific and detailed in your answer as possible, please.

QUESTIONS FOR MCGLINCHY, STAFFORD, MINTZ, CELINO, & LANG, P.C.

1. When was your firm retained by the Missouri Portland Cement Company?
2. For what services was your law firm hired?
3. Did your law firm work in conjunction with Hall & Associates in effectuating the replacement of the Company's work force?
4. Has any lawyer in your firm had direct contact with non-supervisory company employees or with the recruited replacement employees?
5. If so, what were the circumstances of that contact? Did it relate to union activity?
6. Has any member of your firm trained or instructed supervisors as to labor relations matters?
7. Has your firm gathered information about company employees, replacement recruits or Cement Workers Local 438, and provided it to the Company?
8. If so, what was the nature of this information and how was it gathered and supplied?
9. Was this information collected in connection with the Company's plan to change to a non-union work force?
10. Has your firm filed either an LM-20 or LM-21 report with the Department of Labor pursuant to Section 203(b) of the Labor Management Reporting and Disclosure Act of 1959 regarding your activities, arrangements and receipts from the Company?

MISSOURI PORTLAND CEMENT COMPANY
GENERAL OFFICES
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

March 20, 1985

Senator Paul Simon
United States Senate
Washington, D.C. 20510

Dear Senator Simon:

Enclosed please find our responses to the several questions propounded by you relative to our testimony on union violence. We are rather surprised that an attempt should be made to excuse or defend acts of union violence on the basis of a company's bargaining posture.

Most of the questions you asked concern issues which the Union raised in the National Labor Relations Board investigation of its charges against the Company alleging failure to bargain in good faith, strike breaking activities and other such items. The National Labor Relations Board conducted a painstaking investigation of those charges so it would seem that the Committee would be best served by directing questions of this kind to the Labor Board which has carefully looked at all the evidence submitted by both sides.

If the Senator will as thoroughly investigate the Union's plans and actions prior to commencing bargaining, he will find that Local 438 anticipated and prepared for a strike at Joppa, and that neither the Local nor the International engaged in good faith bargaining, but rather insisted on forcing the "pattern" settlement it had negotiated with Lone Star Cement on all other cement companies with whom it has a bargaining relationship, regardless of the circumstances or need of those individual companies.

Also enclosed with this letter are additional lines of inquiry which in fairness the Senator will no doubt want to propound to the Union requiring, as he has of the Company witnesses, that the answers be submitted to him in writing.

Very truly yours,

Jerry L. McIntyre

JLM/mr
Enclosures
cc: Senator Orrin G. Hatch (w/enclosures)

ANSWERS TO QUESTIONS FROM SENATOR SIMON

QUESTION 1. What concessions were you asking from the Union? Did you think they were reasonable? Did you expect the Union to accept them?

ANSWER: We asked for concessions that in our business judgment we needed in order to save our plant, on wages, holidays, vacations and similar economic items as well as freedom from highly restrictive work rules on contracting out and transfer of employees. All our requests were reasonable and made in good faith as the National Labor Relations Board has so ruled. We did not expect the Union to like these proposals or to accept them initially but we presumed we were dealing with reasonable men and that after a thorough explanation had been given we could reach an accommodation. Our presumption proved to be incorrect.

QUESTION 2. You indicated negotiations began on February 29, 1984 and lasted until June 13, 1984. It has been established that a chain link fence was installed around your plant. When did you install it? Would you describe it in detail? Why did you install it? Whose idea was it to install the fence?

ANSWER: The negotiations have never ended -- they continue to this date. If the Union has decided not to negotiate further, it has not communicated that to the Company. If your reference to a fence relates to one installed by the Company not "around the plant" but for about 1200 feet on the roadway along a portion of the plant property (whose borders encompass 18,000 feet), that was done in the month of April to try to discourage trespassers, and was the Company's idea.

QUESTION 3. Did you also put up flood lights? Would you describe them? Where were they located? When did you install them? Why did you install them? Was there another set of lights installed at a later date?

ANSWER: The first of the flood lights were brought in several days after the strike violence commenced, and these were supplemented with others a few weeks later. They are portable, and are moved around as deemed advisable, especially since gun shots were fired into them from time to time. They were, of course, brought in as some measure of security against the Union's continued day-and-night violence.

QUESTION 4. You mentioned videotapes. When did you acquire the videotape cameras? Who suggested it? When did you begin taping? What did you tape? Will you make the complete videotape available to the Committee?

ANSWER: Taping was begun at the suggestion of our guard service on the second day of the strike, when Union President Beck and other Union representatives illegally stopped and opened one of our trucks carrying bedding. We taped all gate activity and have already supplied a composite video tape to the Committee.

QUESTION 5. Were the floodlights installed so the video cameras could be used at night?

ANSWER: No.

QUESTION 6. When did the Company first contact Mr. Lang? When was he retained? How did you happen to contact him? Had he represented before? Did he suggest the use of video cameras?

ANSWER: In August 1983, after the Union refused to acknowledge and respond to the Company's pleas for wage and work rules concessions, Mr. Templet contacted Mr. Lang to be labor counsel because of his experience in the cement industry.

QUESTION 7. How many security guards did you have at the plant in November 1983? In December 1983? In January 1984? What company furnished them? What other companies furnished security guards for Missouri Portland? When were they first contacted? How many guards do you now have and what company furnishes them?

ANSWER: On the dates indicated the Company had no security guards. Subsequent to June, 1984, guards were furnished by Nuckols Security, first contacted sometime in early Spring, and Troubleshooters, Inc., a subcontractor of Nuckols Security. The Company currently has 13 security guards at the plant and 4 at the quarry furnished since December by Security Resources, Inc.

QUESTION 8. Do security guards have to have a license? Did you or your security company give tests for obtaining such licenses? Were the answers furnished to persons taking the test before the test was taken?

ANSWER: We are unaware of what the state licensing requirements for security guard companies are or those for individual security guards. Missouri Portland did not do any testing of individual guards; we felt such items were the responsibility of the companies with whom we contracted.

QUESTION 9. Have your security guards been armed? Do you have any intentions to arm them? Have you asked security guards to fill out applications for gun permits? Did the applications state that the applicant had firearms experience when he hadn't in any case?

ANSWER: The security guards are not now and never have been armed. We have not asked guards to fill out any such applications.

QUESTION 10. Did you receive any reports from security guards about drinking and marijuana smoking by replacement workers? If so, did you take any action against those employees?

ANSWER: Certain replacement employees have been caught drinking on the job and were terminated in accordance with long-standing Company policy. To our knowledge no replacement employees are or have been smoking marijuana although this was a problem prior to the strike. These allegations, and many more similar ones, have been raised by the Union before the National Labor Relations Board which investigated, found them to be totally lacking in merit, and dismissed them.

QUESTION 11. What were the circumstances which led to the breaking off of negotiations on June 13, 1984?

ANSWER: Negotiations have never been broken off.

QUESTION 12. Did the Union offer to return to work unconditionally in August 1984? What date?

ANSWER: Yes, August 6, 1984.

QUESTION 13. When did you first decide to hire replacement workers? When did you begin to hire replacement workers? When did you complete the hiring of replacement workers? How did you go about hiring them?

ANSWER: The decision to hire permanent replacements was made sometime near the end of July, 1984. Blind ads were placed in newspapers and applications processed. The actual hiring was completed on August 6, 1984. The facts relative to our hiring replacement employees have been investigated by the National Labor Relations Board and found to be entirely in order.

QUESTION 14. Who are Hall & Associates? When did you first have contact with them? Who contacted them and with whom did you deal? How did you happen to contact them? What services did they provide for the Company?

ANSWER: Mr. Hall started his business several years ago after a career as a personnel director, to assist employers. He contacted Mr. McIntyre, the Company's vice-president in charge of operations, in early June, 1984, to offer his services, which consisted of preparing the newspaper advertising and determining the qualifications of applicants.

QUESTION 15. Do some replacement workers carry guns?

ANSWER: We certainly hope not, but considering the fact that replacement employees have been repeatedly attacked by the Union, have been shot at on the open road and beaten within an inch of their lives, it would certainly be surprising if some of them did not carry guns.

QUESTION 16. Was the helicopter you mentioned owned by the Company? When was it acquired (or when was the service of the helicopter acquired)? At what price was it acquired?

ANSWER: The helicopters we used were rented from private companies at the onset of the strike when the Union, in blatant disregard of law and order, denied us access to the plant. The Company was required to use those helicopters for at least 10 weeks in order to ferry personnel who feared for their lives. The price varied but was based on an hourly rate of approximately $200.

QUESTION 17. Do you plan to attempt to decertify the Union?

ANSWER: Companies do not decertify unions, employees do.

QUESTION 18. When did you retain the law firm of McGlinchey, Stafford, Mintz, Cellini & Lang, PC?

ANSWER: This question has already been answered; see question 6.

QUESTION 19. What services did this law firm provide to your Company?

ANSWER: Answers to the Company's questions regarding the legality of certain matters, and the advisability of action contemplated by the Company.

QUESTION 20. Did the law firm have any direct contact with Company employees other than supervisors?

ANSWER: Yes, but only to interview victims of wanton Union violence in an attempt to obtain contempt of court citations against Union members, and to provide evidence in our charges of violence against the Union which the National Labor Relations Board has found to be meritorious.

QUESTION 21. Did the law firm instruct supervisors in labor relations matters?

ANSWER: No, although prior to the strike, they informed our supervisors as to what the laws provided concerning unfair labor practices and the role of the National Labor Relations Board.

QUESTION 22. Did the law firm gather any information for the Company about the Company's employees, potential replacements or Cement Workers Local 438?

ANSWER: No.

QUESTION 23. If so, was this information gathered in connection with either bargaining or in connection with the Company's plan to replace the work force with non-union workers?

ANSWER: Not applicable.

QUESTION 24. During your testimony on February 27, in response to a question about the Company's financial situation and the need to reduce costs at the Joppa cement plant, you indicated that you had supplied the union (after a request was made) with "... everything they asked for." Please provide that material to the Committee. In addition, please provide a certified, audited copy of the Company's Financial Statement and Balance Sheet for the last four years (1981-1984). To the extent possible, segregate the data so that the Joppa plant information is shown separately.

ANSWER: The information provided to the Union which they ignored after obtaining, and which they falsely told the Labor Board had not been given to them, has already been given to Senator Metzenbaum.

QUESTION 25. How was the decision made to replace the Company's work force with non-Union workers and who was involved in making that decision?

ANSWER: If we had had as our principal aim the replacement of our workforce, we would have done so on June 16, 1984, the minute they went on strike. The fact is we did not do so. Instead, we continued to meet with the Union and attempted to run the plant with salaried employees, hoping that the Union would come to their senses and return to work, as Local 27 of the Cement Workers Union did at our Kansas City plant. When this did not occur we hired temporary contract employees to help run the plant, making it clear to those employees that if the Union were to offer to return to work at any time, we would terminate their employment and recall the striking work force. Only when it became painfully obvious that the Union's goal was not to get a contract

signed, and not to return to work, but to destroy our Company did we reluctantly make the decision to hire permanent replacement employees. The persons involved in making this decision were the Company's Chief Executive Officer, Mr. Templet, and Jerry L. McIntyre, Vice-President -Operations.

QUESTION 26. Has the Company filed Department of Labor Form LM-10 required by Section 203(a) of the Labor Management Reporting and Disclosure Act with respect to its agreement with and payments to the McGlinchey law firm?

ANSWER: No, as such filing is not required.

QUESTION 27. Hall & Associates has claimed in client solicitation letters that it was hired by your Company to "replace the Company's striking work force in its plant in Joppa, Illinois" and that it did so "on a very discreet and successful basis ... without the Union ever realizing what was going on." Was this the arrangement with Hall & Associates?

ANSWER: The entire arrangement with Hall & Associates had been stated above.

QUESTION 28. What payments were made to Hall & Associates for providing these services?

ANSWER: Hall & Associates were paid on a daily basis during the time they were performing services for the Company.

QUESTION 29. Did Hall & Associates work with the McGlinchey law firm in coordinating these efforts?

ANSWER: No.

QUESTION 30. Did Hall & Associates have any direct contact with Company employees who were replaced by the secretly recruited work force?

ANSWER: We know of none.

QUESTION 31. How did Hall & Associates recruit the replacement employees? Did this involve direct contact with them, or any discussion as to Union matters?

ANSWER: See answer to No. 13.

QUESTION 32. Did Hall & Associates supply you with any information about then current employees, recruited replacement employees, or Cement Workers Local 438?

ANSWER: Hall & Associates supplied only information as to the qualifications of employees answering the advertisements.

QUESTION 33. Has the Company filed an LM-10 report with the Department of Labor regarding its agreement with and payments to Hall & Associates?

ANSWER: No such filing is required.

QUESTION 34. In October, 1984, after some complaints from the Company, the Union (in writing) asked you to notify them of any incidents you knew about, that they would investigate it and tell you their results and their action taken. Did you at any time after that letter notify them of claimed incidents so they could try to stop or correct them if they occurred?

ANSWER: Yes, and we received no reply.

QUESTION 35. One of the replacement employees was indicted and pled guilty to possession of an automatic weapon at the plant area? Is he still working for the Company?

ANSWER: Yes.

QUESTION 36. Did you go on television and say people brought guns into the plant to shoot pigeons? Were these automatic weapons?

ANSWER: In reeponse to a question from Sheila Hershow, investigator for Cable News Network, Mel Brekhus, Plant Manager, tried to place the possession of a gun on Company property in context. The truth of the matter is our employees have been bringing weapons into the plant for approximately 20 years for a variety of reasons, including to buy, sell, trade and shoot. Some of these may have been automatic weapons but we do not have any records of this. Our long-standing Company rule is that unlawful possession of weapons on plant property will be neither condoned nor tolerated, but, unfortunately this is a rule more honored in the breach than the observance, and always has been.

QUESTION 37. If the people caught with guns are some of the ones you now have working in the plant, when you hear about some night time shooting incident, do you question those employees inside one by one about the claimed shots?

ANSWER: Each such incident is investigated thoroughly by the Company to the extent possible. Whether any particular person is questioned depends upon the circumstances.

QUESTION 38. Were you in state court during the injunction proceeding when the deputy sheriff testified about the Ku Klux Klan incident? Regarding this incident, I understand the Committee investigators picked up a sheet? Could you present it to the Committee? Do you know where the Ku Klux Klan uniform is at this time?

ANSWER: The sheet referred to was last seen in the possession of J.F. Souders, attorney for the Union. It was marked as an exhibit in the injunction proceeding but was not entered into evidence. We suggest you contact him as to its current whereabouts.

QUESTION 39. Four or five guards were involved in this incident. Before the incident was admitted to, was one of the guards fired?

ANSWER: No, but all were fired after the incident was admitted to.

QUESTION 40. Were all the guns in the plant tested for ballistics regarding the bullet in the citizen's headboard?

ANSWER: To our knowledge there are no guns in the plant and the testimony shows that to our knowledge no guns have been ballistically tested regarding this incident, which is one of the very problems that we are frustrated about.

QUESTION 41. Did the Company obtain a state court injunction? What did you ask for in the injunction that was denied?

ANSWER: Copies of the Company's proposed injunction, the Union's proposed injunction and the final injunction issued by the state court are all attached hereto.

The Union also filed a counterclaim at the state court injunction proceeding alleging that the Company was engaged in strike breaking activities. After hearing all the evidence the Union had to offer on this issue, the Judge dismissed its claim.

QUESTION 42. Have you filed actions for contempt of court claiming persons have violated the injunction? Was a hearing held on your petitions by the state court? What decisions of the state court judge on those contempt cases do you disagree with?

ANSWER: We did file such actions, and hearings were held. It would be inappropriate for us to comment on the judge's rulings in these cases since the injunction proceeding is still an active case, contempt of court actions are still being brought by the Company and one concerning Union member Carl Medley is currently being appealed.

QUESTION 43. How many contempt petitions have you filed? If you claimed the Union is responsible for other incidents, have you filed for contempt citations on those?

ANSWER: Six contempt petitions have been filed. The court found violations of the injunction in four of those cases and did not find a violation in two, one of which is on appeal. As to other incidents, the Union violates the injunction far faster than the Company can file petitions on it, so we have had to be selective about the actions which have been brought.

QUESTION 44. In what way was the injunction issued by the state court less, or weaker than, the one sought by the Company?

ANSWER: Once again, we refer you to the attachments.

QUESTION 45. In the six different violations for contempt of the injunction brought by the Company in state court, in which instance do they disagree with the finding of the state court judge and why?

ANSWER: See our response to question 42.

QUESTION 46. If the Company feels that there were violations of the injunction other than the six incidents on which they filed citations, what kept them from filing on those other incidents in state court?

ANSWER: See the answer to question 43.

Knowing as we do that the Senator wishes to appear to be evenhanded, we are confident that he will ask questions that are just as thorough and probing of the Union as he has of the Company. Might we suggest that some of these questions be as follows:

1. If the Union is not engaging in violent activities, as it claims, why is it that the National Labor Relations Board revoked a settlement that the Union had entered into in which they promised not to engage in further violent conduct?

2. If the Union is not engaging in violent activities, why has the Labor Board insisted on a formal, rather than an informal settlement of the unfair labor practice charge filed by the Company alleging numerous acts of violence, and on which the Labor Board issued complaint?

3. If the Union is not engaging in violent activities, why did the NLRB Regional Director seek stand-by injunctive authority under §10(j) of the Act in anticipation of future union violence?

4. If the Union is not engaging in violent activities, why has the state court judge found violations of the injunction on four separate occasions and held six union members in contempt of court, along with 11 others?

5. If the Company is engaging in surface bargaining in an attempt to break the Union, why has the Labor Board dismissed the Union's Charge alleging that?

6. If the Company is engaged in "strike-breaking," why did a state court judge dismiss the Union's complaint alleging that? Why did the Labor Board dismiss the same allegation?

7. If the Union is the victim of violence rather than the perpetrator of it, why did Dave Beck use political muscle to get rid of the state police? Wouldn't it be better for both sides if there is violence, for the state police to take an active role in this case rather than "a hands off attitude?"

8. Why do you fear making strike-related violence a federal crime if you are not engaging in it? Are you urging your members, in the interests of your own organization, to perpetuate violence in order to achieve your objectives? Is it because it would be more difficult to use political muscle to call off federal investigators than it was for you to call off the state police?

9. Are you willing to let this Committee question those of your members whom the Company says engaged in violence?

Senator SIMON. I would also add for the record that the union filed a petition on March 1 for a collective-bargaining election. The NLRB has not taken action on the petition because they say they still have pending a settlement on other charges by the company which the NLRB has had in its possession since February 1.

The three parties involved—the union, the regional office of NLRB, and the company—have agreed on this settlement. All it needs is the approval of the NLRB. Once this approval is obtained, the NLRB is free to rule on the petition for election and set the election date. If this date is not set before June 15, the union will be decertified and will have no chance to remain the bargaining agent.

My guess, Mr. Chairman, having some background in this particular dispute, is that we will find that where we have situations that are not what they should be, it is a two-edged sword, and we need the efforts of both labor and management to not only peacefully resolve disputes but to just resolve disputes in general, and I look forward to hearing from the witnesses today.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Simon.

Senator Wallop, we are happy to welcome you to the committee and appreciate having you here today.

Senator WALLOP. Thank you, Mr. Chairman, and I will allow you to celebrate my arrival by not hearing from me. [Laughter.]

The CHAIRMAN. I think he is going to be an excellent member of this committee, wouldn't you say, Mr. Kennedy?

Senator KENNEDY. Right. [Laughter.]

The CHAIRMAN. Well, thank you.

At this time we will receive for the record a statement from Senator Grassley, and will keep the record open for statements by any other members of the committee.

[Senator Grassley's statement follows:]

March 26, 1985

Charles Grassley

CHARLES E. GRASSLEY

STATEMENT OF SENATOR CHARLES E. GRASSLEY BEFORE THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES ON THE TOPIC OF "LABOR VIOLENCE".

THANK YOU , MR. CHAIRMAN. I WANT TO COMMEND YOU ONCE AGAIN FOR HOLDING OVERSIGHT HEARINGS ON THE PROBLEM OF VIOLENCE RELATED TO STRIKE ACTIONS, AND THE NEED TO DEVELOP LEGAL REMEDIES FOR IT. I AM INTERESTED IN HEARING FROM THE UNION LEADERSHIP TODAY, MR. CHAIRMAN, TO GET THEIR PERSPECTIVE ON THE SITUATION WHICH AROSE AT MISSOURI-PORTLAND CEMENT COMPANY AT JOPPA, ILLINOIS LAST YEAR.

AS I POINTED OUT DURING THE LAST HEARING WE HELD, ON FEBRUARY 27, ON THIS TOPIC, NOT ALL STRIKE-RELATED VIOLENCE CONSTITUTES EXTORTION. I THINK IT IS CLEAR THAT INDIVIDUALS DURING THE COURSE OF A STRIKE CAN LOSE THEIR TEMPER AND HARM ANOTHER OR DAMAGE PROPERTY. WHAT WE ARE TALKING ABOUT HERE IS THE RESORT TO SYSTEMATIC, PLANNED VIOLENCE DESIGNED TO COERCE THE PAYMENT OF MONEY OR OTHER PROPERTY - - A TYPE OF ACTIVITY WHICH UNIONS SEEM ABLE TO ENGAGE IN UNDER THE ENMONS DECISION.

MY POSITION ON THIS KIND OF ACTIVITY IS VERY CLEAR, MR. CHAIRMAN: PEOPLE WHO PURPOSELY BREAK THE LAW OR CAUSE INJURY TO ANOTHER PERSON OR THEIR PROPERTY AS A WAY OF GETTING THEIR WAY MUST BE HELD RESPONSIBLE FOR THEIR ACTIONS. THIS IS A RESPONSIBILITY WHICH SHOULD APPLY NOTWITHSTANDING THE FACT THAT THE INDIVIDUALS IN QUESTION ARE PURSUING A "LEGITIMATE UNION OBJECTIVE".

I THINK I SHOULD POINT OUT HERE THAT MY BILL, S. 300, IS NOT SINGLING OUT ORGANIZED LABOR FOR UNEQUAL TREATMENT, AS IT IS OFTEN PORTRAYED AS DOING. IN FACT, IT SIMPLY APPLIES THE SAME STANDARDS TO LABOR THAT CURRENTLY APPLY TO MANAGEMENT.

I HAVE NOTHING FURTHER AT THIS TIME, MR. CHAIRMAN. I AM LOOKING FORWARD TO HEARING THE TESTIMONY FROM OUR WITNESSES.

QUESTIONS FOR THE ILLINOIS STATE POLICE

LAST WEEK, IN TESTIMONY BEFORE THIS COMMITTEE, DAVID A. LANG, COUNSEL FOR MISSOURI PORTLAND CEMENT COMPANY, STATED THAT THE ILLINOIS STATE POLICE WERE REQUESTED BY THE MASSIC COUNTY SHERRIF'S OFFICE TO INTERVENE IN THE SITUATION AT MISSOURI PORTLAND.

1. WHEN DO YOUR RECORDS SHOW THAT THE REQUEST WAS RECEIVED, AND WHEN DID YOUR POLICE TAKE POSITIONS AT MISSOURI PORTLAND?

2. MR. LANG STATED THAT THE STATE POLICE COMMAND POST WAS ABANDONED WTHIN A WEEK OF BEING ESTABLISHED. WHY WAS THE POST ABANDONED?

3. MR. LANG ENTERED INTO THE HEARING RECORD, THROUGH HIS TESTIMONY AN EXCERPT FROM A LETTER TO THE METROPOLIS PLANET ON NOVEMBER 1, 1984, ATTRIBUTED TO STATE REPRESENTATIVE BOB WINCHESTER, WHICH ALLEGED THAT THE UNION HAD PERSUADED THE GOVERNOR'S OFFICE TO INTERVENE ON BEHALF OF THE UNION TO REDUCE THE STATE POLICE CONTINGENT AT THE SITE.

ARE YOU IN A POSITION TO ATTEST TO THE ACCURACY OF THIS STATEMENT? DO YOU HAVE ANYTHING TO ADD TO IT? WHY WERE THE STATE POLICE WITHDRAWN, OR THEIR NUMBERS REDUCED, ONE WEEK AFTER THEY ARRIVED?

QUESTIONS FOR THE STATE POLICE (2)

4. MR. LANG STATED THAT THE STATE POLICE RESPONDED TO APPEALS TO TAKE AN INTEREST IN THE VIOLENCE AT THE SITE BY REFERRING TO THE "DICTUM OF LABOR RELATIONS IN SOUTHERN ILLINOIS". UNFORTUNATELY, I DO NOT HAVE THE DETAILS OF WHO SPOKE TO WHOM ON THIS OCCASION, BUT LET ME JUST ASK WHETHER YOU KNOW ANYTHING ABOUT SUCH AN EXCHANGE, SINCE, APPARENTLY, THE STATE POLICE WERE A PARTY TO IT, AT LEAST ACCORDING TO MR. LANG.

DO YOU KNOW WHAT THE "DICTUM OF LABOR RELATIONS IN SOUTHERN ILLINOIS" IS?

5. IN WHAT PRECISE CIRCUMSTANCES DO THE STATE POLICE GET INVOLVED IN LABOR DISPUTES SUCH AS THIS? IS THERE A PRE-SUPPOSITION IN MOST OF THE CASES LIKE THIS THAT LOCAL OFFICIALS SHOULD HANDLE IT?

QUESTIONS FOR THE STATE POLICE (3)

6. MR. LANG COMES CLOSE TO CHARGING THE STATE POLICE WITH HARASSING THE COMPANY'S GUARD SERVICE AND CONDONING THE VIOLENCE HE SAYS WAS GOING ON AT THE PLANT.

DID YOUR STATE POLICE GIVE CITATIONS TO THE GUARD SERVICE'S BECAUSE ITS BUS WAS PAINTED THE WRONG COLOR?

7. LANG STATES THAT THE STATE POLICE HAVE NOT INTERVIEWED AN EMPLOYEE, KENNETH HUTCHINS, WHO WAS BEATEN BY FIVE MASKED PERSONS ON CHRISTMAS DAY, 1984.

IS THIS TRUE? AND, IF IT IS, WHY HAS THE STATE POLICE NOT INTERVIEWED HUTCHINS?

QUESTIONS FOR GREG PETERSON

MR. MC INTYRE, IN HIS TESTIMONY ON FEBRUARY 27, DESCRIBED AN INCIDENT WHICH INVOLVED YOU AND SOME LIQUID THROWN BY A STRIKER AT YOU INSIDE THE PLANT GROUNDS. THIS IS SAID TO HAVE HAPPENED ON JULY 7.

1. CAN YOU DESCRIBE THIS EPISODE FOR US IN YOUR OWN WORDS?

2. IN A LETTER TO SENATOR SIMON, MR. BECK STATES THAT THE LIQUID IN QUESTION IS IN POSSESSION OF THE SHERIFF'S OFFICE AND THAT IT IS SKUNK-SCENT OF THE KIND USED BY HUNTERS IN DEER SEASON.

WERE YOU SEEN BY A DOCTOR OR MEDICAL PROFESSIONAL ON THIS OCCASION; THAT IS, WHILE YOU WERE SUFFERING FROM THE EFFECTS OF THE LIQUID?

IF SO, WHAT DID THEY SAY YOUR PROTLEM WAS?

QUESTION FOR DAVID BECK

MR. BECK, YOU NOTED IN YOUR LETTER TO SENATOR SIMON, DATED FEBRUARY 25, 1985 THAT ONLY ONE PERSON WAS INJURED DURING THIS STRIKE.

MAY I KNOW YOUR RESPONSE TO THE ALLEGATIONS MADE BY MR. MC INTYRE AND MR. LANG TO THE EFFECT THAT THERE WAS CONSIDERABLE DAMAGE TO PROPERTY IN REPEATED INSTANCES OF VIOLENCE -- DAMAGE TO PROPERTY OF SUPPLIERS, FOR EXAMPLE, OR TO THE TRUCKING COMPANY WHICH SHIPS THE COMPANY'S PRODUCTS -- AS WELL AS TO PLANT FACILITIES?

The CHAIRMAN. Our first witness this morning will be Mr. David Beck, who is president of Local 438 of the United Cement, Lime, Gypsum & Allied Workers out of Karnak, IL.

He will be accompanied by J.F. Souders, an attorney from St. Louis, MO.

So we will turn to you, Mr. Beck, at this time, and we will be glad to take your statement.

STATEMENT OF DAVE BECK, PRESIDENT, LOCAL 438, CEMENT, LIME, GYPSUM & ALLIED WORKERS DIVISION, BROTHERHOOD OF BOILERMAKERS, ACCOMPANIED BY J.F. SOUDERS, ESQ., ATTORNEY FROM ST. LOUIS, MO

Mr. BECK. Mr. Chairman and members and the committee, thank you for the opportunity to appear before you to respond to matters previously raised and to present our position for your consideration.

I am Dave Beck, president of local 438, Cement, Lime Workers Division of the Boilermakers Union.

Senator KENNEDY. May I just inquire of the Chair before moving along? I welcome whatever way that we want to proceed. I have had a chance to get through the testimony, and I think it is worthwhile having the record made.

My areas of inquiry are related to those particular items identified in the testimony, and I am either glad to wait until afterwards, if we are going on the 10-minute time and bounce back and forth, or I think I could probably do mine just off the testimony and complete all of that, still using my timeframe. I would be glad to proceed both with what the Chair and also with what the witness would like.

Personally, I think anyone who has a testimony ought to be able to do it uninterrupted. On the other points, there are points for

elaboration, and if you feel comfortable in being able to make them——

Mr. BECK. I would be happy to answer the questions as we go along.

Senator KENNEDY [continuing]. Points that you think will help make the record, then , as a matter of committee precedent, we will follow the guidance of the Chair. But if you felt comfortable in that, I think I could wind up my questions just in probing some of the areas which have been related in that testimony.

Mr. BECK. It is fine with me.

The CHAIRMAN. As he testifies, you mean?

Senator KENNEDY. Yes.

The CHAIRMAN. I will be happy to have you interrupinterrupt him as he goes.

Mr. BECK. That is fine with me.

The CHAIRMAN. I will reserve my questions for afterwards, but you can finish yours during the testimony.

Senator KENNEDY. Yes, and I will try to respect, certainly, the 10-minute rule which we are under. The longer your answers are to my questions, the less I will have to fire, but I think I will be able to complete it, actually, with your testimony.

The CHAIRMAN. That would be fine with me, as long as it doesn't take too long. Just go ahead.

Senator KENNEDY. Good; thank you, Mr. Chairman.

The CHAIRMAN. Let's reserve the right to finish the testimony if it is taking too long, but if you can move it along, that will be fine.

Senator KENNEDY. All right, fine.

Mr. BECK. I am Dave Beck, president of Local 438, Cement, Lime Workers Division of the Boilermakers Union. The total membership of our local is 115 employees of the Missouri-Portland Cement Co. plant in the Joppa, IL, area.

There is a problem at the plant. Otherwise, we would not be before this committee today. The problem itself should not only be examined, but equally important is an examination of what has caused any problem.

The problem that exists at the plant today is not one of union violence. The problem is the disruption, antagonism, and frustration caused by union-busting consultants to a community, to employees and their families, and to a previously reasonable company.

As I will point out, the union-busting advice has caused the company to lose all sense of responsibility. Business-wise, Missouri-Portland Cement Co. has gone stark, raving mad.

Local 438 has represented our small group of employees since this plant was built over 20 years ago. The relationship was harmonious, with only one short strike called by the union some 10 years ago.

Prior to 1984, the company used no security personnel at the plant. The community cared about the plant, and we believe the plant cared about the community.

Senator KENNEDY. I understand that in that relationship there was actually congratulations to the union from the company in the previous year.

Mr. BECK. Yes; we have a letter for an exhibit.

Senator KENNEDY. That is fine. We can put it in the record, but just give us a response.

Mr. BECK. In 1983, they congratulated the union where they produced more cement in 1 year than they ever had in the past.

The CHAIRMAN. Without objection, we will place that in the record at this point.

[The material referred to follows:]

TO: Material Handlers & Packers

SUBJECT: Operation Report for December

	This Year		Last Year	
	Barges	Tons	Barges	Tons
Rock Unloaded	34	95,730	30	90,210
Coal Unloaded	10	15,634	6	9,344
Other Unloaded	6	8,684	3	4,050
Cement Loaded	43	59,288	32	43,574
Truck Loading	xxxx	5,612	xxx	4,590
Cement Silo Transfers	xxxx	6,714	xxx	

REMARKS: 1983 was a record year for the Joppa Plant. You unloaded 1,685,615 tons of raw materials and shipped and transferred 979,309 tons of cement. Had we had normal weather during the last half of December we would have made our goal of 1,000,000 tons cement shipped and transferred. You are to be congratulated for a job well done. We anticipate moving 1,033,000 tons of cement this year, which is an increase of approximately 53,000 tons. With all of us working together, this is an attainable goal. I solicit your comments and suggestions. Again congratulations; I appreciate your efforts.

YOUR COMMENTS:

Mr. BECK. All that changed with the appearance of the union-busting advisors, consultants, and attorneys.

Our contract was scheduled to expire May 1, 1984. We later found out that as early as December 1983, the company, under new ownership as a result of a corporate take-over, was making arrangements with a private guard force to provide guard service during a possible strike.

We did not know that and looked forward to starting our negotiations on February 2, 1984, in good faith. At that point, with its new lawyers and consultants, the company made contract demands for a $3.80 wage decrease across the board, a cut in bidding rights, a cut in retirement benefits, changes in the grievance procedure to exclude the union representation, and a lot of other items.

To make sure we knew what they were trying to do to our contract, the company gave us a document showing what their demands would do. I offer to you as an exhibit the company document.

Since it is a copy, the original color could not be duplicated. I have marked it in pink, those parts of the contract where employees' benefits would be decreased by the company demands. I have marked it in yellow, those parts of the contract which would be deleted entirely by the company demands. Here is the exhibit.

The CHAIRMAN. Without objection, we will place the exhibit in the record at this point in the hearing.

Mr. BECK. That is our entire contract. It is just all the way through.

[EDITOR'S NOTE.—Due to printing limitations, the contract material referred to was retained in the files of the committee where it may be researched upon request.]

Mr. BECK. As you can see, the company demands decreased or eliminated entirely almost every benefit an employee had.

The company made those demands, then left the bargaining table and went back to the plant to construct a high chain-link fence around the premises, topped by barbed wire. Forty-eight light poles were installed, each with four 1,000-watt bulbs.

The contract expired on May 1, 1984, but in the hope we could reach some amicable settlement, we continued working and bargaining for 6 weeks past the expiration date. If anything, the company's position became even more adamant.

By the time our strike commenced on June 15, 1984, the company had five movie cameras installed, manned and ready for action. The guards from Nuckols Security, arranged for more than 6 months earlier, had been hired and ready for work. To our amazement, some 150 guards reported when the 115 employees struck. It is a ratio of about 1½ guards per employee.

At the negotiation meeting 3 days into the strike, I told the company that we weren't making any money, they weren't making any money, and if they could open the books to us and show us what had to be done to make things work, I would talk to the people and try to get them back in.

The company's response to me was, "You didn't want to see the books a few years ago; we are not going to show them to you now." No financial data was given to us until after we had filed unfair

labor practice charges, and even then, it was given out piecemeal over a period of time.

That, and the company's demand to exclude the union from the grievance procedure, certainly prolonged the strike. The company clearly did not want to bargain an agreement with us or even take our members back until the union was broken.

On June 20, 1984, after the strike had started, the union received notice from the company that if we did not contact them by June 29 to set up a negotiation meeting, the company would put their last contract offer into effect. I immediately tried to call the company and set up such a meeting.

I called for both Mr. McIntyre, vice president for negotiations, and Mr. Hearn, vice president of labor relations. Neither were in at the time I called. Both their offices gave the same response, that they were out of town and could not be reached.

I left word for each of them to return my calls. Neither they nor anyone else with the company returned my calls, and on June 29, the company put the terms of their last contract offer into effect.

At our union meeting on July 30, 1984, the membership decided that they would return to work while negotiations continued. The union officers were instructed that at their next contract negotiation meeting with the company, scheduled for August 2, 1984, the officers were to make an unconditional offer on behalf of all members to return to work.

When a meeting of over 100 employees is held in a small town of a few thousand, and especially on any strike issue, whatever action is taken spreads throughout the area within minutes after the meeting is over.

The negotiation meeting of August 2, where we were to make the unconditional offer to return to work, never took place. On the day before the meeting was to be held, the company called and canceled out without setting a new date.

Having heard nothing from the company on a new meeting date, the following Monday, August 6, the union sent the company a telegram stating the unconditional offer of all employees to return. That was sent shortly after noon time.

Absolutely nothing was heard from the company until a full week later, August 13, when the company advised us by telegram that there were no vacancies, as all jobs had been permanently filled.

Through questioning in later meetings, the company claimed that they had hired over 100 of those permanent replacements on the date our telegram was sent, but it had hired them before it was received.

Senator KENNEDY. Am I to understand that all of the members, therefore, were replaced just like that, virtually overnight?

Mr. BECK. Right; we offered to return to work, and they just put people that had worked there for 20 years out of jobs. You know, they had depended on that plant, and they had always lived in the community. They had been there for most of their lives.

Senator KENNEDY. Were the other workers from the community?

Mr. BECK. About 90 percent of our people live in Massac County.

Senator KENNEDY. Were the new workers from the local community?

Mr. BECK. The new workers were all from out of State, either from Kentucky or Michigan or somewhere, not anyone from Illinois.

Senator KENNEDY. But not the immediate local area?

Mr. BECK. No.

Senator KENNEDY. And that happened virtually overnight, as I understand it.

Mr. BECK. Well, they flew them in by helicopter. You know, the gate as open, the people could have gone through the gate, but they tried to sneak them in, which——

Senator KENNEDY. All right.

Mr. BECK. This company has spent millions and millions of dollars to break our union. To do it, they want the public relations effect of union violence. If that violence from the union doesn't happen, then the pressure is on the company, its consultants, its guards, and strikebreakers to create some violence, real or imagined.

As will be shown to you, those so-called strike replacements and guards brought in by the company are a raunchy group. Reports show they have lied to the police; some have substantial criminal records; dope is used and alcohol consumed on the plant premises; and fighting and gun-carrying by those strikebreakers is commonplace.

At your last hearing date, Missouri-Portland stated that its loss of revenue from customer pickups in 1984 was about $1 million. The company has not even started to admit what this fiasco is costing them.

The cement produced at this plant after the strike was basically unusable. Much of it was dumped into an open area, where the rain is gradually washing it into the Ohio River.

Our members who have returned to work estimate that lost production has cost the company some $9 million. This $9 million loss is only from lowered production. At the same time that all the production loss was being incurred, the company was continuing to pay out a full payroll to over 100 strikebreakers who were not able to produce a worthwhile product.

Add to those losses the further cost of 150 additional guards, the expense of three or four helicopters and the five-manned movie cameras. Finally, let's not forget the company's lawyers. Only the company can tell you, but it would not surprise us to find out that this new law firm hired just before the strike to handle their labor relations has already hit the company for more than half a million dollars.

You can easily see where the company has, or shortly will have, by its own choice, incurred losses of over $10 million, and for what reason? Just to not sign any sort of contract covering 115 employees.

To an extent, our area of the country is basically on the conservative side. All of us in the area, company people and union people alike, have or should have pride in their State.

Missouri-Portland Cement Co. previously came before you and complained about activities of State and county officials. They did not tell you the straight story.

The strike started June 15, 1984. By June 16, 1984, the company, without notice of any kind to us, obtained a temporary restraining order in a State court. The company got exactly what it wanted. After a hearing on July 27, the State court granted a permanent injunction.

That injunction is broad enough to cover any claim of any violence by any of our members either at, near, or even away from the picket line. Whenever the company has any incident where they have a complaint against our members, they have a right to bring that member into court on a contempt citation.

This company has come before your committee claiming that almost endless acts of violence occurred. However, that same company has gone into the State court for a contempt violation only six times.

The results of those six attempts are revealing. After a full court hearing and decisions—which were not appealed by the company—their wild claims of union activity evaporated to only two or three instances. Let me discuss those instances with you briefly.

The first is the incident where Garold Blanchard broke a car window. It is on film from at least three of the company's five movie cameras. If anyone hasn't seen it yet, the company would be more than happy to bring their projector and screen and play it over and over and over.

Mr. Blanchard has an undisputed reputation as one of the most likable, calm, reasonable persons in the whole area. On this particular date, he was standing in front of the gate with his picket sign braced against his toe and his outstretched hand.

A car drove up to him and slowly proceeded toward his body, until the car bumper broke the picket sign. As shown on the film, Mr. Blanchard picked up what was left of the sign and struck the car windshield several times.

Let me read a letter to you that Mr. Blanchard wrote to our local newspaper, which that paper published. His words say it better than I can. By the way, Mr. Blanchard is a Vietnam veteran.

This will not be a fancy letter because I am not a fancy man. But it is from the heart. I cannot believe what has happened to me and my fellow workers of local 438.

Today we learned that four of us have been fired and the others replaced. It is hard to believe that things like this are allowed to happen in the United States.

At the beginning of the strike, I broke a windshield. I am very sorry for this. I had not planned to do it. The union officers had told us to keep everything very peaceful. If I had planned to do this, I certainly wouldn't have done it in front of the guards, cameras, and State policemen. It was just an instinct action. I honestly don't remember any of it until I heard the glass break. I then laid down by sign and got in the back of the police car.

I try to be a good Christian man. I am not a violent person. But I am a man who loved my job and loved being able to provide for my family.

I always tried to give the company an honest day's work for my pay. Many times I worked through my lunch period and breaks; I went to work sick; I even drove my tractor to work one winter when the roads were too bad to go by car.

Every company man inside Missouri-Portland knows this. The company has had many devoted workers for many, many years. Yet what is our reward? "You have been replaced," or "You will not be reinstated."

Before I went to court, I went to Cagle Business Systems and explained the stressful time it was to all of us and told the management and the drivers that I was very sorry that I had broken their windshield. I offered to pay for the damage then. Since court, I have paid for the windshield and the fine.

But all of this is nothing compared to the mental pressure that all the people from local 438 have suffered. The Missouri-Portland cement plant is suing our union for almost $1.5 million in total damages. How can money even start to pay for the damages that have been done to us and the whole surrounding area?

We have been made to look like criminals. We have been blamed for things that no one in the union had anything to do with. Some will probably lose their homes or other possessions. Families have been torn apart, and many other things too numerous to mention.

The stores and the businesses in the area are losing because we have no money to spend. All we are asking for is our jobs back and a chance to provide for our families. At least maybe we at local 438 can go to sleep at night with the peace of mind that we have not been responsible for tearing apart the lives of almost 150 families.

We have also had the support of other unions, businesses, and many individuals. It iis appreciated more than words can say and will never be forgotten. Sincerely, Garold Blanchard, Route 1, Grand Chain.

Senator METZENBAUM. Mr. Beck, may I interrupt you for a moment, because I am going to have to leave, and I wanted to ask the chairman something.

Mr. Chairman, at the last hearing, Mr. McIntyre committed himself to deliver to this committee audited financial statements going back 4 years. As a matter of fact, I am told that he advised Senator Simon's office as of yesterday that he had already delivered them to my office.

I wanted to say that I have not seen them. We have been trying to reach them. My office has not been able to get a response from them.

Mr. McIntyre is in the back of the room. Would the chairman be good enough to inquire of Mr. McIntyre at exactly what point we are going to have those audited financial statements?

The CHAIRMAN. Well, let me just say this. Your office informed us late yesterday afternoon that you had not received the financial data that you requested last time. Now, this data was supposed to be a copy of the financial materials that the company shared with the union during the negotiations.

So I had my staff call the company, and they were told that the materials had been sent on Thursday, March 21, 1985, with Federal Express, but that they had been sent to me. I am now trying to run that down. We have not received them yet in our office. Is that true, Mr. McIntyre? Where is he?

Senator METZENBAUM. In the back of the room.

The CHAIRMAN. Mr. McIntyre, did you send the financial data that you agreed to send to my office by Federal Express? That is what we were told by your people.

Mr. MCINTYRE. Yes, sir.

The CHAIRMAN. We have not received it. Do you happen to have a copy with you?

Mr. MCINTYRE. No, sir.

The CHAIRMAN. Well, I will get that to you as soon as possible.

Senator METZENBAUM. And are those audited financial statements for the past 4 years?

Mr. MCINTYRE. The package that we sent, it is my understanding, Senator Hatch, has been received by your office.

The CHAIRMAN. It has been?

Senator METZENBAUM. That isn't my question, Mr. McIntyre. I am asking you whether the package that was sent included your

audited financial statements for the last 4 years. That just takes a yes or no answer.

Mr. MCINTYRE. Well, the reason I am not giving you a yes or no answer is because I am not certain that they are in there. I personally did not review every piece of paper that was in that package. I told you that I would present to you exactly what we presented to the union. I know you made other demands, and I am not certain exactly what was in there.

The CHAIRMAN. Well, that is my understanding of what you agreed to do.

Senator METZENBAUM. Just a moment. Let me read you what he said:

> Senator METZENBAUM. I want to know what you gave the union, and I also want to know whether you will give us audited financial statements of this operation for the last 4 years. The answer to that is just yes or no.
> Mr. MCINTYRE. They are included in what we gave them, sir.
> Senator METZENBAUM. They are included?
> Mr. MCINTYRE. The information you desire is included in that.
> The CHAIRMAN. And you will submit that all to the committee?
> Mr. MCINTYRE. Yes, sir.
> The CHAIRMAN. Thank you.
> Senator METZENBAUM. And when will we have that?
> Mr. MCINTYRE. Although I fail to really see that it has anything to do with this proceeding.
> Senator METZENBAUM. When will we have that?
> Mr. MCINTYRE. Well, it would just be a matter of putting it together. A week or 10 days should be adequate.

Senator METZENBAUM. Now, my question again is, have you included audited financial statements for the last 4 years, or have you just included what you gave the union?

Mr. MCINTYRE. When I made those statements to you, I made them to you with the best of my knowledge, and today I am still making those to you with the best of my knowledge. I just got finished telling you, I don't know exactly what's in there.

Senator METZENBAUM. Who does?

Mr. MCINTYRE. Well, whoever received this thing in your office—it was mailed Federal Express here. It is here somewhere.

Senator METZENBAUM. In whose office?

Mr. MCINTYRE. In Senator Hatch's office.

The CHAIRMAN. Well, I haven't received it yet. We will provide whatever it is to Senator Metzenbaum as soon as it arrives.

Senator METZENBAUM. Mr. Chairman, I want it understood——

Mr. MCINTYRE. I would like to still say that I fail to see that this has got anything to do with the reason why we are here.

Senator METZENBAUM. That may be what you fail to see, Mr. McIntyre, but this committee is conducting the hearing.

Mr. MCINTYRE. But if it isn't there, I will be happy to send it to you.

The CHAIRMAN. Now, wait. Let's both——

Senator METZENBAUM. You will be happy to send us the audited financial statements for the last 4 years?

The CHAIRMAN. According to what he told the committee last time my understanding is that he will provide that which he had to provide to the union, nothing more, nothing less.

Senator METZENBAUM. That isn't what he said, Mr. Chairman.

The CHAIRMAN. You are not interpreting it that way, but that is the way I interpreted it.

Senator METZENBAUM. Mr. Chairman, I am telling you what he said.

The CHAIRMAN. All I am saying is that this committee can only ask him to provide that which he is required to provide by law.

Senator METZENBAUM. No; that isn't right. I asked him whether you will give us financial statements, and I said the answer to that is just yes or no. Mr. McIntyre, who was under oath, said, "They are included in what we gave them, sir."

The CHAIRMAN. I don't think it has anything to do with union violence, anyway, but he is willing to provide the information.

Senator METZENBAUM. It may not have anything to do with it, but it certainly has to do with this hearing.

The CHAIRMAN. Well, I don't think it does.

Senator METZENBAUM. And if this man committed himself to give it to us, I want it.

The CHAIRMAN. Well, he doesn't know what it is——

Senator METZENBAUM. If he doesn't give it to us, I want a subpoena.

The CHAIRMAN. Let me see what we have. That will be fine. If you want to subpoena it, then we will consider that in a full committee hearing, and I have no objection to that. All I am saying is, let me get what he has. I don't have it yet. When I receive it, I will provide it to you immediately, and we will go from there.

He doesn't even know what they have submitted, but he said they submitted some materials, apparently to my office, but I haven't received them yet unless they came in today. We will do our best to get them for you.

Senator Kennedy.

Senator KENNEDY. Can I ask, Mr. Chairman, how does he know you have received it if you haven't received it?

The CHAIRMAN. He doesn't know, because I haven't received it yet.

Senator KENNEDY. He just indicated that you had received it.

The CHAIRMAN. Well, I think he thinks we got it.

Senator Simon.

Senator SIMON. We submitted a series of questions to the company, and in response to question 24, where we asked for precisely this, a certified audited copy of the company's financial statement and balance sheet for the last 4 years, this answer is provided:

> The information, which was provided to the union, which they ignored after obtaining, which they falsely told the Labor Board had not been given to them, has already been given to Senator Metzenbaum.

That is clearly——

Senator METZENBAUM. That is just not true.

The CHAIRMAN. All right.

Well, Mr. McIntyre, what we would like to do is, let me get whatever you have sent. If it isn't here by the end of this week, then I would like you to resend it.

I think Senator Metzenbaum probably is right. Staff tells me that you did agree to send the last 4 years' audited materials—I just checked with them—so let's get those in there. I don't know

what they have to do with the hearing, but I will be happy to accommodate Senator Metzenbaum, and we will go from there.

Let's get back to your statement.

Mr. BECK. I would like to offer this, Mr. Blanchard's letter, as an exhibit.

The CHAIRMAN. Without objection, we will put his letter in the record at this particular point.

Mr. BECK. All right.

[The material referred to follows:]

This will not be a fancy letter because I am not a fancy man. But it is from the heart. I cannot believe what has happened to me and my fellow workers of local 438.

Today we learned that four of us have been fired and the others replaced. It is hard to believe that things like this are allowed to happen in the United States.

At the beginning of the strike, I broke a windshield. I am very sorry for this. I had not planned to do it. The union officers had told us to keep everything very peaceful. If I had planned to do this, I certainly wouldn't have done it in front of the guards, cameras, and State policemen. It was just an instinct action. I honestly don't remember any of it until I heard the glass break. I then laid down by sign and got in the back of the police car.

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But all of this is nothing compared to the mental pressure that all the people from local 438 have suffered. The Missouri-Portland cement plant is suing our union for almost $1.5 million in total damages. How can money even start to pay for the damages that have been done to us and the whole surrounding area?

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We have also had the support of other unions, businesses, and many individuals. It iis appreciated more than words can say and will never be forgotten. Sincerely, Garold Blanchard, Route 1, Grand Chain.

Mr. BECK. There you have it. Without deciding whether the driver of the car did wrong by continuing toward a person without hestitating, Mr. Blanchard himself admits that what he did was wrong. He was sorry. He offered to pay for the damage. On his own, he went over and sat down in the police car so that he could be arrested and taken to jail.

Is this an act of a truly violent man? He was fined $250 by the court and has now publicly apologized to the whole county. He did do wrong. Do you seriously want to now bring the power and majesty of the U.S. Government into Joppa, IL, for further punishment against him?

The second company contempt citation was against 52 people. Only 25 of those were union members. The company's film showed some persons walking down the county road, in through the company gate, where they shook their fists, threw a rock or two, then they turned around and marched back out and on down the road. None of those going into the gate were our union members.

Necessarily, all charges of contempt against our members were dropped. Three persons from other plants in the area who had either thrown a rock or put one foot even inches inside the gate were fined. No similar incident has ever recurred.

The third incident involved a man on a bicycle, riding some 100 feet on the company road inside the gate. While five guards sat there and watched, the company claimed the man on the bicycle threw acid on one of the guards, then turned and pedaled back down the road.

Examination of the so-called acid by the sheriff's department showed it was skunk oil used by deer hunters. The man on the bicycle was fined $500. The company related this incident to you on the February 27 hearing. At least they now refer to it as a foul-smelling, caustic liquid, rather than calling it acid as they tried to do in court.

The CHAIRMAN. Was he a union member? Was he a member of your union?

Mr. BECK. Yes; the fourth contempt citation involved a member, Jess Kester, charged with throwing a coke bottle at a van. Mr. Kester had a full trial before the court and was acquitted. At no time has the company ever claimed they did not have a fair trial, nor did they appeal the dismissal.

The fifth contempt citation was the Jeff Adams incident. A piece of wood was thrown against the corner window of a pickup truck. Mr. Adams denied he did it and continues to deny he did it.

Following a hearing, however, the court found him guilty. He was sentenced to 45 days in jail and ordered to pay $1,200 to repair the truck. Our local has directed Mr. Adams to stay completely away from the picket line area, and he has done so.

The sixth and last contempt citation involved member Carl Medley. The company charged him with throwing a rock at a van. I attended Medley's court hearing. The rock-throwing incident occurred miles from the plant. Mr. Medley testified that he was nowhere near the incident and that he was on picket duty at the time.

The company contended Medley's car was not near the plant gate, which it would have been if he were on picket duty. The com-

pany offered a film they said was taken on the date and time in question. Medley's car was not shown to be at the gate.

The cameraman who took the alleged film was not present. In addition, Mr. Medley's lawyer, over objection of the company's counsel, unwound the film from the reel to expose a date on the reel different than that claimed by the company.

The judge was not amused. He acquitted Mr. Medley. The company did not appeal that acquittal. There is surely no need now to bring in the power of the Federal Government and harass Mr. Medley further.

Senator KENNEDY. I don't know whether the witness knows, but the chairman knows, we invited Mr. Clifford Nuckols, who is the president of Nuckols Security here today.

As we know, Nuckols Security's main business is to provide the so-called protection for companies in the strike situation, and one of Nuckols Security's functions at Joppa was to take the video tapes of all the activities around the gate.

Now, Mr. Beck has just testified that in a civil contempt case involving Mr. Medley, the company sought to introduce inaccurate video evidence in an attempt to discredit Mr. Medley's defense. As I understand it, 2 weeks ago, the judge in that case acquitted Mr. Medley of the charge made against him.

We now have additional information that suggests that in another strike in which Nuckols Security was involved, a similar videotape deception occurred. I have a letter from Mr. Bruce Miller, who is a Detroit labor attorney who was involved in a strike with Nuckols and his company, and Mr. Miller's letter indicates that the Nuckols company may follow a practice of provoking and, in some cases, wholly fabricating incidents of picket line violence. In fact, there is a striking similarity between the incidents in Joppa and those which have occurred elsewhere where Mr. Nuckols was involved.

So I would like, Mr. Chairman, to have the Miller letter that goes into the series of details to be made at least a part of the record.

The CHAIRMAN. Without objection, we will put the letter in at this point.

[The Miller letter referred to above follows:]

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JOHN R. CREE
NORA LEE WRIGHT
JOHN W. THORNTON JR.
KEVIN P. KALES
BRIAN L. AMANN
MARTIN M. SUMNER
JOHN G. ADAM

March 25, 1985

Chairman Orin Hatch
and Senator Edward Kennedy
Senate Labor and Human Resources
Committee
Room 835
Hart Senate Office Bldg.
Washington, D.C. 20510

FEDERAL EXPRESS

Re: Nuckols and Associates Security, Inc. ("NASI")

Dear Chairman Hatch and Senator Kennedy:

As we discussed on the telephone, I became aware of Nuckols and Associates Security, Inc. and its owner, Clifford Nuckols, in connection with litigation involving a strike at the Presrite Corporation in Cleveland, Ohio. The litigation involves Presrite's suit against the union and the union's countersuit against Presrite, its president and Nuckols. I was chief counsel for the union.

In connection with this litigation, we did a great deal of investigation and discovery into the conduct and activity of NASI and Nuckols, both at Presrite and in other strikes.

At your request, I have prepared the following description of what we learned from investigation and discovery, from witnesses -- friendly and adverse, from documents and police reports, and from confidential informants. Because of the need to prepare this description on a very short timetable, it is not as detailed, as polished or as comprehensive as it otherwise might be. It can be supplemented by the transcripts and documents I have supplied and with further discussion or with my testimony.

With these qualifications, here is an overview of what we learned about Nuckols and NASI:

The Presrite Strike

The strike at Presrite started on July 19, 1978 and continued to December 1, 1978. NASI provided "security" services for Presrite beginning on the second or third day of the strike. Armed NASI guards were stationed in and around the Presrite premises. They operated their "SWAT" van and other vehicles. They took videotapes with hand-held and stationary recording equipment.

Through discovery in the lawsuit, we obtained videotapes by NASI guards during the strike. Some of the tapes we obtained were edited by NASI. Some of the videotapes NASI took are unobtainable: witnesses were unable to say definitively whether missing tapes were lost or destroyed. We believe that they were intentionally destroyed; this is one element of the union's countersuit.

One of the tapes that we were able to obtain shows a truck entering Presrite's plant premises. A striker next to the truck is either knocked, or falls, to the ground. He is then being aided by an EMS unit. The tape also showed a lone striker hitting the side of a semi-trailer with his picket sign as it passed him by. These, it was suggested, are examples of "union violence" that justify the presence of armed guards at the plant, in the public street and a court injunction.

Another tape shows two strikers picketing in front of a Presrite truck. The truck driver holds his truck in position for a substantial period of time at the driveway exit without making any effort to move it off the plant premises. During this time the truck is stationary, one striker is shown picking up a rock and breaking one of the truck's headlamps. The extended inactivity of the truck at the picket line, and the circumstances under which this event was taped -- the area was full of armed NASI guards studiously remaining off camera -- leads to the conclusion that the idling truck at the picket line was a provocation. The truck could have driven out of the Presrite premises at any time. If the truck had promptly done so, there would have been no incident at the picket line.

Another tape records a truck coming out of Presrite's driveway. NASI's video-cameras were stationed across the street, ready for the truck to exit in anticipation of the events to occur. As the truck comes down the driveway, there are no pickets present. They are away from the driveway. As it is leaving the truck slows to a crawl to provide time enough for pickets to move over to the driveway. The truck pauses. Inevitably, a crowd develops. Armed NASI guards -- originally stationed off camera in large numbers -- join the crowd. They make no effort to assist the truck out. A NASI guard films the strikers and the stationary truck. Finally, when the truck driver is ready -- apparently when he feels that enough film was taken -- the truck leaves.

Witnesses testified that prior to and sometimes during these filmed events, NASI guards engaged in antagonistic and vocal provocation -- using profanity, insults and challenges to incite and anger strikers.

A tape shows a Presrite rental truck coming into Presrite's premises. The truck stops at the street, at the picket line. It stands for a substantial period of time with its engine roaring, recorded on the tape's soundtrack, creating the impression of excitement. NASI security guards are on the street, as usual armed with 38's, 45's, billyclubs, saps, etc. They are in numbers equivalent or exceeding the number of picketers present. The NASI guards make no effort to request the picketers to move aside or to assist the truck into the premises. The videotape cameras, one stationary and one portable, are carried by NASI guards out on the picket line, in the middle of the picketers.

Another tape shows a truck coming down Presrite's driveway. The driver of this truck makes a sudden, sharp turn to the right and rapidly drives away. As he is driving down the street, he is chased by some picketers on foot; they had been across the street in a lot playing baseball. One of the strikers has a baseball glove which he throws on the ground while chasing the truck. (Nuckols claimed that the glove was thrown at and struck him but NASI's own tape contradicts him.) NASI presented this tape as evidence of union violence. But the strikers explained that the reason the truck was chased -- in the only incident of this kind during the four month strike -- was because the truck driver turned so close to the picketers' shanty and card table that he endangered, and

scattered, the women and children who were sitting in the shanty and at the table. This tape demonstrates that the truck driver had a clear path out of the driveway, making its sharp right turn wholly unnecessary.

When NASI's videotapes were shown in court in support of Presrite's injunction request, only the crowd scenes were shown. The free passage of the trucks in and out were not shown. The context for the taped truck incidents is this: during the Presrite strike trucks made at least 2,000 trips across the picket line; NASI tapes showed only a handful of "incidents" many of which were shown only in part, omitting the presence and provocation of NASI guards. Indeed, Presrite admitted that every truck seeking access to the premises got it.

One tape shows a striker's automobile off Presrite's premises. NASI's voice-over says that there was a rifle in the trunk. No rifle is shown.

Some of the tapes show several vandalized automobiles. One of the strikers admitted to being responsible for acts of vandalism. He said he acted on his own while intoxicated, in direct violation of the union's instruction. This individual left the strike and went back to work at Presrite. He has been promoted to foreman. There is evidence that he was a Presrite agent all along; Presrite forgave him his vandalism; Presrite promoted him despite his vandalism.

Another tape shows a scene with a striker and Clifford Nuckols. The striker says "I will break your face right open if you touch me again" and shows the striker attempting to get at Nuckols with a backhand slap. The videotape of this scene was edited. What was not shown by NASI was that the striker was reacting to an assault by Nuckols -- that is why the striker directs Nuckols not to touch him "again." The tape shows both before and after the incident and concentrates on the angry striker. What was edited out of this videotape was Nuckols pushing this striker.

At one hearing, Nuckols testified that he was told an axe had been "put on the picket line". Nuckols said he went to the picket line and found an axe "about fourteen inches long that he had stuck in a telephone pole near the tent that is set up there". Nuckols testified that a picket pulled the axe out of the telephone pole, put it down in the ground and then

picked it back up and said "I am going to bury this in somebody's head". According to Nuckols, the striker proceeded to walk straight at the cameraman with the axe. After Nuckols' description of this "incident", the tape is shown. The tape shows an axe stuck in a telephone pole. Unlike most of NASI's tapes, there is no sound. The tape shows the axe stuck in the telephone pole. A picket removes the axe and inserts it back into the bottom of the pole near the ground and then says "it has nothing to do with this, its for firewood". Again, Nuckols' testimony is contradicted by his own videotape.

Under separate cover we have forwarded to you transcripts of Nuckols' testimony about the axe and "assault" incidents. His testimony begins at page 132 of the injunction hearing transcript. We also forwarded transcripts of Nuckols' deposition testimony covering the same incidents at Volume III, page 474, Volume IV, page 539 and Volume IV, page 583.

Another tape has the NASI voice-over describing a striker carrying a "sawed off weapon of some sort." The extended run of the tape shows that this "sawed-off weapon" is a child's pop gun.

Presrite's attorney's billings and deposition testimony demonstrate that Nuckols' testimony was a result of intense preparation by Nuckols Presrite's attorneys and, possibly Presrite's president. The editing of the videotape, the destruction of portions of the videotape and the selective use of the videotape, coordinated with Nuckols'testimony, required very careful orchestration.

The Brochure

NASI distributes a brochure. During his deposition, we showed Nuckols a copy of his brochure and asked him to identify it. Nuckols went through a very elaborate and perjurious story, denying that the brochure was ordered or distributed by him. He testified the brochures were prepared by an advertising agency contrary to his orders and that because they conveyed a false impression about NASI, he never paid for the brochures. He testified that he did not distribute the brochures. He said he used the brochures to start fires.

We determined from the advertising agency, and from the sworn testimony of a newspaper reporter who interviewed Nuckols and obtained a brochure from him, that the brochures were published according to Nuckols' specifications, that they were distributed by Nuckols and that Nuckols paid in full for the brochures.

Harassment of Pickets

At trial, there was testimony from James Ridenour, a former NASI guard who worked during the Presrite strike and other strikes for Nuckols. It was standard operating procedure for NASI guards to harass pickets to incite them and to induce them to open anger for the sake of NASI's videotapes. Ridenour said that sometimes NASI's harassment was recorded on tapes, but the tapes were edited by NASI and scenes of their offending behavior was removed.

Adrian Barnie, of Pinkerton, testified that NASI's use of video cameras is in itself provocative. Barnie testified that it is Pinkerton's practice to use videotape only from concealed cameras because to use cameras openly, particularly in close proximity to strikers, creates tension, anxiety and anger and often provokes angry vocal reaction and even physical violence. We believe that these reactions are exactly what is intended by NASI. NASI's tapes show strikers responding to having their pictures taken by armed NASI guards in their midst.

Sabotage

Presrite claimed that strikers drained the oil from a large transformer on Presrite's premises. This incident occurred after NASI began providing security. A second transformer, accessible to the public, was not drained or otherwise sabotaged. The transformer that was drained was not publicly accessible; at the time it was drained it was under NASI's control; indeed, it was located right next to NASI's "SWAT" van. (A diagram of the scene showing both transformers is an exhibit to the Nuckols deposition). The draining of the oil did no damage to the transformer.

We understand that at the AP Products strike in Toledo, Ohio -- at which NASI provided security -- the employer also reported a sabotaged transformer and that, in testimony before the Senate Committee, a third strike worked by NASI had a similar incident. Based on this pattern, and the physical facts surrounding Presrite's transformer situation, we believe the transformers were not sabotaged by strikers, but by NASI. Indeed, former NASI guards told us that guards repeatedly were responsible for sabotage that NASI attributed to strikers.

In another incident at Presrite, NASI guards fired weapons in the Presrite plant, breaking windows while obstensibly taking "target practice."

Charges For Services

At Presrite, NASI's "Strike Force" was paid an hourly charge substantially in excess of that charged by local, reputable guard services. In addition, NASI's full expenses were paid by Presrite. NASI's expenses included room and board at a Holiday Inn, room service, liquor. NASI guards were even ferried to and from Cincinnati in private airplanes at Presrite's expense. We believe that employers like Presrite are willing to pay NASI a healthy premium for their special "strike force" services.

NASI's billing practices do not seem to favor NASI's clients. NASI charged Presrite for two days of work by Kevin Marshall after he died and for work by James Ridenour for time after he left NASI's employment and the Cleveland area.

Drugs, Drinks and Death

NASI guard, Kevin Marshall, who was 18-19 years of age, weighed approximately 300 pounds and carried a .45 caliber automatic and "fighting" gauntlets with steel in them, killed himself in a game of Russian Roulette at a party held in a NASI room at the Holiday Inn. Three NASI guards were involved, one of whom was James Ridenour. The three were drinking alcoholic beverages, provided at Presrite's expense. According to

Ridenour, NASI guards regularly smoked marijuana and used alcohol, both on and off duty.

Violations of Ohio Statutes and Regulations Regulating Private Investigators.

At the time of the Presrite strike private investigators were governed by the Ohio Revised Code and Ohio Department of Commerce.

ORC §4749.08 provides that no private investigator shall be considered a law enforcement officer for any purpose. Going upon public streets with arms for the purposes of regulating conduct upon such thoroughfares is the work of police officers, not private security guards. NASI's own tapes of the Presrite strike show that armed NASI guards regularly directed traffic, and engaged in crowd control on public streets, in violation of §4749.08.

ORC §4749.10 describes conduct prohibited to private investigators. Section (D)(2) prohibits "knowingly making a false report in respect to any matter with which he is employed". As noted, some of Nuckols' testimony was knowingly false with respect to the matter for which he was employed.

Ohio regulations required that security guards keep and maintain written service contracts, indicating the charges and the type of service to be performed. The regulations required that all parties sign the contract. A copy of the contract was to be furnished to the client. Nuckols testified that he provided a contract to Presrite. Presrite representatives testified that Presrite received no such contract from NASI. Nuckols was not able to produce any contract. Nuckols lied about furnishing a contract to avoid an admission that he operates in violation of the Ohio regulations.

Ohio Regulations require that security guards furnish written reports. Neither Presrite nor NASI could produce written reports for a substantial period of the strike. They claimed reports were not made during this period. These reports would have been significant to test Nuckols' claims about specific incidents at the picket line. Contrary to NASI and Presrite, Ridenour says that reports were made throughout the strike. The failure to keep and maintain these written

reports is a violation of the Ohio Regulations; their mysterious disappearance was a convenience for Nuckols.

NASI's Conduct At Strikes Other Than The Presrite Strike.

In the course of our investigation, we contacted a number of individuals who provided us with information demonstrating a pattern and practice of NASI's activity. Part of that information is in the testimony of George Johns, our offer of proof, and the testimony of James Ridenour at the Presrite trial. Other information is in the witness statements we furnished you. In general, this is what we were told by various witnesses:

In 1977, at an Ortner Freight Company strike in Mt. Orab, Ohio, a NASI guard planted a simulated bomb on company premises. He then telephoned a bomb threat. This resulted in an emergency situation and evacuation of approximately 700 people from the area.

During a strike involving the Interstate Folding Box Company in September, 1980, Nuckols filed a lawsuit against the union accusing it of violent conduct. This lawsuit was subsequently abandoned. In the course of that strike two NASI employees were charged with criminal assault.

In 1981, in a strike involving the Louisville Gas and Electric Company, Nuckols filed a lawsuit against the union accusing it of violent conduct. This lawsuit was also abandoned.

In May, 1981, at the Highland Regional Medical Center strike, NASI filed a suit against the union; this lawsuit was also abandoned. This lawsuit accused the union of violent conduct.

Please contact me if I can be of further assistance.

Very truly yours,

Bruce A. Miller

BAM:kma

Senator KENNEDY. This information, which Miller says is a part of the public record of the cases he has been involved on, casts, I think, a rather different light on the situation in Joppa and, for that matter, on the entire subject that evidently this committee is pursuing in terms of who is the cause of the violence.

I don't know whether Mr. Nuckols is planning to come testify or not before this committee, but it seemed to me that it would be very useful at least to have his testimony and give him an opportunity to respond to these activities.

I think, in fairness to him and to his company, in fairness to the issue that we are involved in, his presence and his ability to respond to these incidences would be extremely helpful for our committee in making a final judgment and determination.

May I inquire from the chairman——

The CHAIRMAN. I received a copy of the Miller letter late yesterday afternoon, so I have not had an opportunity to check out the allegations made in it, but we will. At first reading, these allegations are very serious and, I think, raise serious questions about the practices of Nuckols and Associates.

I had hoped that we could have obtained letters like this earlier, more in advance of the hearings, so we could have adequately prepared and, if necessary, asked Mr. Miller to testify, but since it was given to my staff yesterday afternoon, I thought it would be inappropriate to have Mr. Miller testify at this time.

Now, my staff was able to contact a few of the parties to the allegations, and as a result of these conversations, I would just like to make a few points for the record at this point.

First, although the letter oddly omits the name of the union involved, I believe it was the United Steelworkers Union in this case.

Second, the allegations made in the letter stem from the depositions taken by Mr. Miller's firm of Mr. Nuckols during a lawsuit in 1983. The company, Presrite, had sued the Steelworkers for the union's actions during the strike. The union in turn counterclaimed against Mr. Nuckols, the company, and the company's owner, a Mr. Deemer.

Mr. Nuckols had been hired by Presrite during the strike to protect the company from the strikers. In 1983, this suit went to trial. The claims against Mr. Nuckols were dismissed on preliminary motion. Mr. Nuckols was never called as a witness in that trial, either by the union or by the company. In fact, the company was awarded some $600,000 in damages against the union by the jury.

Now, the judge who presided over the suit, Judge McMonegal, added prejudgment interest to the jury award against the union. So, not unexpectedly, the union has appealed that particular decision.

Now, I think these facts are important, and they may help the committee as it considers the statements made by an attorney who has represented a union in the lawsuit. I am sure that, following this hearing, we will be able to take time, of course, to look at the allegations made by Mr. Miller more closely and attempt to find out what really has happened. So I will certainly be willing to do that.

Senator KENNEDY. I appreciate the response. As I understand it, it is the result of a deposition that was taken by Miller of Mr.

Nuckols, but that is something that the staff can certainly examine.

The CHAIRMAN. We will certainly look that over.

Senator KENNEDY. But I think, as you point out, it does raise the altering of video tape that is going to be shown in courtrooms in terms of prosecution by the company. If that did happen, then I think it does raise some very, very serious questions.

The CHAIRMAN. If the attorney's allegations are true, they are serious. I am intrigued by the fact, though, that the complaint against Nuckols was dismissed, and, of course, he was never called as a witness by either side.

So we will try to check that out.

Senator KENNEDY. We will try to find out.

The CHAIRMAN. We will try to find out, and the letter has been entered into the record, as I stated earlier.

Senator KENNEDY As I understand from Mr. Beck, this did happen in Mr. Medley's case. That is what he is testifying here today.

Mr. BECK. Right.

Senator KENNEDY. That is the question about the utilization and tampering with the videotape, and that was the testimony here today, and then we have these other incidents that we will have an opportunity for staff review. Thank you.

The CHAIRMAN. Well, just on that point, you are not saying that Nuckols threw the brick, are you, when you had testimony saying that Medley did it?

Mr. BECK. No; we are saying that the tape was dummied up.

The CHAIRMAN. You are just finding fault with Mr. Nuckols as somebody was is a consultant in these areas?

Senator KENNEDY. No; as I understand the testimony, the cameraman who took the alleged film—Mr. Medley's lawyer, over the objection of the company, unwound the film from the reel to expose a date on the reel different than that claimed by the company.

Mr. BECK. Correct.

Senator KENNEDY. And on the basis of that, Medley was acquitted.

Mr. BECK. Aquitted, right.

Senator KENNEDY. So it was tampering with the videotape.

Mr. BECK. Right.

Senator KENNEDY. And that is all we are saying, that there has been monkey business, allegedly with this and in other instances by this company, and we need to look into it. That is the only point that at least I am making at this time, because that is all that I think the information that we have warrants.

The CHAIRMAN. Well, let's let it go at that.

Go ahead, Mr. Beck.

Mr. BECK. Are you ready to go ahead?

The company has appeared before you and talked about continuous gunshots in headboards of beds, gunshots at cars, or whatever. Amazingly, not one of these alleged shots has ever injured anyone. Either some person has claim to being the poorest shot in the country, or else they were very careful, contrived acts done by nonunion people to smear our union.

The company has cried wolf too many times. We have asked them in writing to tell us of any incidents so that we can investigate them and give the company our report. Not once—not once—has the company done this. The only incidents we have received knowledge about are the six cases for contempt filed by the company in State court.

We flatly deny any union responsibility for any violent actions of any type. We had a meeting every Monday night, and at those meetings, it was stressed that the company wanted violence for their press releases. Violence hurts the union's position, not helps it.

With the exception of a few minor, isolated instances, no member was involved. The company should look to the people they brought in to break this strike. Since Nuckols Guard Service left the area, any claims or reports of violence have almost totally ceased. It is not our people who carry the guns. These strike replacements, some with criminal records, are the gun toters.

One of those strike replacements was recently arrested for carrying an automatic weapon. He pled guilty and was fined. The company, however, has kept him employed in the plant without even so much as a disciplinary layoff.

The plant manager, Mel Brekhus, was asked about this gun incident by a CNN news reporter. Mr. Brekhus' reply was some general comment about employees liking to go out behind the plant and shoot pigeons.

I saw that automatic weapon and obtained a picture of it. Let me show you as an exhibit what a company pigeon shooter looks like. I would like to offer that as an exhibit.

The CHAIRMAN. Without objection, we will place it in the record at this point.

[Picture of a company pigeon shooter follows:]

Mr. BECK. There is one thing I found out last night. I can advise the committee that last night I talked to the people in Joppa, IL. I learned that the company has just now discharged two or three of those strikebreakers that have wrecked the company equipment and caused disturbances in the plant.

I am sure this was just because of the hearing. This hearing has had a direct relationship in helping to start cleaning up the plant. For that purpose, we credit you with that. [Laughter.]

In summary, the real violence during the strike was not the few incidents of a busted windshield or skunk oil or even wood thrown at a truck window. The real violence is from the acts of antiunion labor consultants crossing this land like a horde of locusts to destroy communities. They convince companies that they can save them a few dollars by busting the union and its contract and terminating employees with many years of service.

By the time these companies realize that the consultants have cost them hundred of thousands of dollars in fees and millions and millions of dollars in lost earnings and untold damage of destroying a community, the companies are already too far over their heads to regain their sense. Those companies then find themselves with no alternative to following the union-busting script to its bitter end, even if that requires phony tests, false evidence, and trumped-up incidents.

We urge the committee to give no aid or sympathy to either those companies, their consultants, or their allies.

Thank you for your attention and consideration.

Mr. MITCHELL. Mr. Chairman, before you proceed further, my name is Mike Mitchell, and I am an attorney for Missouri-Portland Cement Co.

I have listened to Mr. Beck's statement, and I have noted that several of the comments that were made to the committee are quite wrong and others are seriously misleading.

Senator KENNEDY. Who is—are we going to have an opportunity——

The CHAIRMAN. Let's hear what he has to say, and then let's go from there.

Mr. MITCHELL. We would like the opportunity to have equal time to respond to some of these statements after the scheduled witnesses have completed their testimony.

The CHAIRMAN. Well, let me consider that.

Senator Kennedy, why don't you finish your questions?

Senator KENNEDY. I would just certainly hope that the record would remain open——

The CHAIRMAN. It will.

Senator KENNEDY [continuing]. For any of those that want to respond to any of these matters and that those individuals would be available for staff inquiry, representatives of the majority and minority. That is fine.

The CHAIRMAN. We will make a determination whether we will allow them to testify or not, but if you do, then you will have a right to come back——

Senator KENNEDY. Sure; that is fine. But we certainly, in terms of inquiry of these witnesses, certainly don't want to exclude other information.

The CHAIRMAN. That is right. Go ahead, Senator Kennedy.

Senator KENNEDY. I just have a few, Mr. Beck, just a few questions.

Do you have reason to believe that any of your members were planning to assault people who tried to cross the picket line?

Mr. BECK. No, sir, not at any time. Like I said, we have talked to our people every Monday night, and we have stressed every Monday night, no violence—it doesn't help us; it just hurts us. We have had international people come down periodically, and they talked to our people. We just tried to keep the lid on it, because it cannot help us in any way.

Senator KENNEDY. And once the incidents occurred, what steps did you take to prevent any further incidents?

Mr. BECK. Mr. Blanchard—when the window was busted on the picket line, I went and talked to the man, and I told him we can't have this because it's just too big a problem. He expressed in his letter what his feelings were.

Mr. Woods, on this skunk oil, I had to get on him very hard, and I told him, I said, we can't have it, and the next person we have any problem out of, we're going to have to restrict him from the picket.

Senator KENNEDY. And these, all your members, as I understand your testimony——

Mr. BECK. Right, and the local.

Senator KENNEDY [continuing]. Are from the local community, primarily?

Mr. BECK. Right. And the final and last one, we did restrict him completely away from the picket line.

Senator KENNEDY. But your members are made up primarily of members from the local community?

Mr. BECK. Correct.

Senator KENNEDY. Are they particularly violent people?

Mr. BECK. Well, the only people that I know that have prison records are the strikebreakers that they have working inside the plant, and I know that for a fact.

Sentor KENNEDY. And do any of your members carry clubs or pipes on the picket line?

Mr. BECK. I have never seen one.

Senator KENNEDY. Well, I want to make it very clear that there is no excuse for violence, I don't believe, and those that are involved in it, from wherever they come from, whether it is union or union-busting activities, I think, ought to be prosecuted to the full extent of the law.

There have been many aspersions, both on those, and the workers in this plant, and also on the local law enforcement officials as well during the course of these hearings. I would hope that, as a result of these hearings, that we would develop as many of the facts relating to these circumstances that we possibly can.

But I want to make it clear that none of us are interested in seeing violence in whatever form and whatever shape it comes, whether it is from the union members or from the strikebreakers, and those that are involved in it obviously ought to be prosecuted to the full extent of the law.

But I think we would hope, as a result of this hearing, that we would find out as many of the facts as we possibly can as to where responsibility lies in this and to find out whether the solution to these problems is going to be the extension of Federal jurisdiction, and that is certainly into local communities all across this country, and that is obviously something that we are going to have to consider.

But we want to have the facts out to measure the magnitude of the recommendation against what the realities of the problems are.

I don't have any further questions.

The CHAIRMAN. Thank you, Senator Kennedy.

Do you know how long you are going to be, Senator Simon?

Senator SIMON. I can be here at least another hour.

The CHAIRMAN. I mean your questions. Do you know how long?

Senator SIMON. Oh, just a few minutes, I think.

The CHAIRMAN. Why don't you go ahead, and then I will finish up.

Senator SIMON. First of all, we welcome you here. Let me just say in a general way, if I were a major stockholder in this company, I would either be asking for new management or for the management to at least evaluate their practices very, very carefully. Clearly, some bad mistakes have been made in a community that is not a violence-prone community.

You say—and I am quoting from your testimony at page 3:

> At the negotiation meeting 3 days into the strike, I told the company that we weren't making any money; they weren't making any money; and if they would open their books to us to show us what had to be done to make things work, I'd talk to the people and try and get them back in. The company response to me was, "You didn't want to see the books a few years ago, we're not going to show them to you now."

Now, they testified that they showed the books to you, that they came in, and while they were asking for cuts of $3.80 an hour and very substantial cutbacks in benefits, that they showed the books to you and explained why they needed that. Whose testimony is accurate, yours or theirs?

Mr. BECK. We first, before the strike really started, on June 13, we were going to try to inquire into getting these questions answered to us, and when we had a recess, the company supposedly went to the room. We got ready to call them and they were gone. There was a Federal mediator sitting there, and they just left and went back to St. Louis and never said anything to us.

Then they saw they were in trouble, so they scheduled a meeting, like you say, for June 18, and that is when I asked them about their books, and they just flatly refused.

What they were referring to was 2 years ago, prior to that time, after they had signed a 3-year contract, they asked the union to reopen the contract and let them take these concessions at that time, and the union refused. They wanted to go on with their contract and then wait until the next one expired.

Senator SIMON. On June 18, did they show you the books?

Mr. BECK. No; we never received the books. I asked for the books, and he totally refused me. On July 3, I again asked for the books, and he wouldn't give a definite answer, and then he turned around and sent it to somebody else and didn't send it to me, because I was

the one that was wanting them so we could make an educated offer to these people.

They didn't want to bargain, in no way, and they didn't want a contract. All they wanted was the people on the street so they could replace them.

Senator SIMON. So the contract expired May 1, and while they made these huge demands on you, they provided on documentation at all about their losses to you at that point. Is that correct?

Mr. BECK. No.

Senator SIMON. OK. And then you called to try to set up a meeting to negotiate because they had said that—well, let me read from your testimony:

> On June 20, after the strike had started, the union received notice from the company that if we did not contact them by June 29 to set up a negotiation meeting, the company would put their last contract offer into effect. I immediately tried to call the company to set up such a meeting.

You called the company.

Mr. BECK. Right.

Senator SIMON. You called Mr. Hearn, and nobody even returned the call?

Mr. BECK. That is correct, and there was a meeting set up for the 28th, and at the June 18 meeting, they canceled that meeting and then turned around and implemented the 29th, anyway.

Senator SIMON. All right. Let me read from your testimony again:

> Having heard nothing from the company on a new meeting date, the following Monday, August 6, the union sent the company a telegram stating the unconditional offer of all employees to return. That was sent shortly after noon time.
>
> Absolutely nothing was heard from the company until a full week later, August 13, when the company advised us by telegram that there were no job vacancies, as all the jobs had been permanently filled.

Is that correct?

Mr. BECK. That is correct.

Senator SIMON. I think, Mr. Chairman, that between the questions Senator Kennedy has asked and the statements of Mr. Beck, the record is fairly clear, and we thank you for being here.

I think the net result of all of this is, clearly, that what we have to have in this country are union and management working together, and whenever any company thinks that they can simply muscle unions, or if the unions in some cases think that they can muscle management, in both cases it is wrong.

In this case—and I have known something about this long before we started hearings on this—it seems to me there have been some real misjudgments on the part of management. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Simon.

I should point out to you, Mr. Beck, and to everybody, I would like simply to point out for the record that with regard to the charge of a failure to bargain in good faith that you have made here today, the National Labor Relations Board has found that the company has bargained in good faith.

The union made this allegation to the Board, and on October 10, 1984, the regional director refused to issue a complaint against the company for failing to bargain in good faith. The union appealed

this decision, and on February 14, 1985, the Board's Office of Appeals sustained the regional director's decision.

In a letter to me, dated March 19, 1985, the Board noted that the region concluded that Missouri-Portland's insistence on a management rights clause and a complete agreement clause did not establish bad-faith bargaining, even though you didn't like it. The parties had reached an impasse prior to the employer's implementation of its final proposal.

According to the Board, the strike was an economic dispute. The employer had remedied its failure to provide the requested information, and the employer had extended an offer to pay accrued vacation benefits to strikers upon demand.

I think the facts do speak for themselves. The union's repeated insistence that the employer failed to bargain in good faith just simply does not mesh with the facts as ascertained by the NLRB, which is the only truly objective party in this whole thing, as far as I can——

Mr. BECK. Well, they haven't been very objective as far as we are concerned. They did issue a recommendation and then turned around and reversed it after the company went in to them with several lawyers——

The CHAIRMAN. And presented its side?

Mr. BECK. Pardon me?

The CHAIRMAN. And presented its side of the case?

Mr. BECK. They had already presented their side of the case, and they had lost it, and then they turned around and went back in and said they had new evidence; 2 weeks later, they reversed.

The CHAIRMAN. Well, but it was reversed.

Mr. BECK. After it was sent to Washington is when it was changed.

The CHAIRMAN. But the point I am making, Mr. Beck, is in all fairness, the NLRB has decided that the company has bargained in good faith in spite of your allegations here.

Mr. BECK. The General Counsel has said this.

Senator SIMON. Mr. Chairman, if I might——

The CHAIRMAN. Well, I understand that. That is my point.

Mr. BECK. The St. Louis regional office, they put the recommendation that our people would go back to work, and it was sent to——

The CHAIRMAN. I see.

Mr. BECK. The company went in, and they talked to people, probably, here, is what changed it.

Senator SIMON. Mr. Chairman, I think one of the things——

The CHAIRMAN. As I understand it——

Mr. BECK. Here is the recommendation that came out, the first one.

The CHAIRMAN. Yes; as I understand it, the region ruled against the union as well.

Mr. BECK. Well, here is your recommendation, the first one that came out, and the facts weren't changed.

The CHAIRMAN. Well, we will put that in the record at this point.

[The information referred to follows:]

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October 10, 1984

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721 Olive Street
St. Louis, MO 63101

Re: Missouri Portland Cement Company, Inc.
Cases 14--CA--17535 and 14--CA--17579

Dear Mr. Souders:

The above-captioned cases, charging a violation under Section 8 of the National Labor Relations Act, as amended, have been carefully investigated and considered.

As a result of the investigation in Cases 14--CA--17535 and 14--CA--17579, there is insufficient evidence that since on or about February 28, 1984, the Employer refused to bargain collectively and in good faith with the Union, herein Local 438, as the exclusive bargaining representative of its employees, by engaging in surface bargaining without intent to reach an agreement; failing and refusing to provide financial information; refusing to meet at reasonable times by leaving a negotiation meeting in progress; and unilaterally implementing its final contract proposal prior to reaching bargaining impasse, in violation of Section 8(a)(1) and (5) of the Act; and by failing to pay accrued vacation benefits to striking employees in violation of Section 8(a)(1), (3), and (5) of the Act, or that since on or about August 6, 1984, the Employer discriminated in regard to hire, tenure, and other conditions of employment by failing to recall striking employees upon their unconditional offer to return to work and terminating striking employees Gerald Blanchard, Kenneth Kerr, and Randall Woods, in violation of Section 8(a)(1) and (3) of the Act, as alleged. With respect to the allegation in Case 14--CA--17579 that the Employer engaged in certain conduct violative of Section 8(a)(1) and (3) of the Act by terminating striking employee Jess Kester for alleged strike misconduct, the investigation disclosed sufficient evidence indicating that further proceedings are warranted.

The investigation disclosed that the Employer operates cement plants in Joppa, Illinois, and Kansas City, Missouri; the Cave-In Rock Quarry near Joppa, and terminals located in various cities. Local 438 has been the collective-bargaining representative of certain of the Employer's employees for more than 30 years and in excess of 20 years at the Joppa, Illinois plant, and the Cave-In Rock Quarry, the only facilities involved herein. The Joppa and Cave-In Rock Quarry facilities constitute a single bargaining unit with the most recent collective-bargaining agreement having as its effective dates May 1, 1981 through April 30, 1984.

Another local of the Cement Workers Union represents employees at the Employer's Kansas City, Missouri cement plant under a separate agreement, expiring at approximately the same time.

The Employer and Local 438 began contract negotiations for the Joppa facility on February 29, 1984, and conducted 11 negotiation meetings through July 3, 1984. The first four meetings were joint negotiations with the Kansas City, Missouri Local Union. In these sessions, the Employer detailed its current severe economic difficulties, having previously requested midterm wage concessions in 1982 and 1983 due to financial considerations, and presented its initial contract proposals, which the Employer admits were stringent, in response to economic exigencies and its operational needs. The Employer's proposals included a 30 percent wage reduction; reduction in holidays and accumulation of vacation; and elimination of the majority of restrictions on subcontracting, transfers, overtime, and foremen performing bargaining unit work. In addition, the Employer proposed comprehensive management rights and "complete agreement" clauses. During subsequent meetings in which negotiations were conducted separately from the Kansas City Local, the Employer and Local 438 moved from their initial proposals on the issues of wages, holidays, accumulation of vacation, pension, health insurance, and other issues, but remained far apart in many of their respective proposals. The investigation disclosed that the same International Union representative was the chief union negotiator for both the Kansas City and Joppa facilities during the separate negotiations, and that during the concurrent Kansas City negotiations, the Employer offered to reduce its management rights proposal to one sentence, without limiting the Union's access to the grievance procedure. Thereafter, Local 438 did not offer counterproposals to the management rights or complete agreement clauses or request the same less stringent proposal for the Joppa facility. In the above-described circumstances, the Employer's proposed management rights and complete agreement clause is not violative of the Act.

On May 31, Local 438 requested the Employer's final proposal, which was presented on June 1. After a brief bargaining session on June 13, 1984, the Employer and Local 438 recessed to allow the Union to caucus. After waiting approximately 1 hour without further word from Local 438, the Employer left the meeting location. On June 15, 1984, Local 438 began a strike against the Employer which continues to date. The Employer and Local 438 met on June 18, 1984, at which time the Union requested to see the company's books and records in order to justify the Employer's economic proposals to its membership. Although the Employer denied this broad request, on June 19, 1984, at the concurrent Kansas City negotiations, the Kansas City Local requested specific financial records, certain of which the Employer provided to the International Union on June 22, 1984. This information pertains to both facilities. Upon assimilation, the remainder of the requested information was provided on August 27, 1984, to the International Union which advises that it has all information requested. On June 29, 1984, the Employer implemented its final proposal with respect to the Joppa facility. By telegram dated August 6, 1984, to the Employer, Local 438 made an unconditional offer to return to work on behalf of all striking employees. On the same date, prior to receipt of the unconditional offer, the Employer hired approximately 100 permanent replacements for the striking employees. On August 13, 1984, the

Employer recalled 28 striking employees to the Cave-In Rock Quarry facility, but advised Local 438 that the remaining Joppa employees were permanently replaced and would be placed on a recall list, but that four specified striking employees would not be placed on the recall list due to strike misconduct.

On July 3, 1984, the Employer advised Local 438 that accumulated vacation benefits would be withheld from eligible striking employees pending termination of the strike. By telegram dated August 27, 1984, the Employer withdrew its refusal to pay accumulated vacation benefits and advised Local 438 that all such benefits would be provided to striking employees upon request. Local 438 advises that a list of employees requesting vacation benefits will be submitted to the Employer.

With respect to terminated employees Gerald Blanchard, Randall Woods, and Kenneth Kerr, the investigation disclosed that striking employee Blanchard was seen on video tape, breaking the windshield of an automobile with a picket sign while the driver was attempting to cross the picket line. Blanchard pleaded guilty to the offense in a court proceeding and was fined, in addition to being ordered to pay all damages. Striking employee Woods was terminated by the Employer for riding a bicycle through the plant gate at 10:30 p.m., July 7, 1984, to the guard van and throwing an open bottle of caustic liquid at the guards in the van, resulting in certain of the guards being transported to a hospital by ambulance. While Woods denies his presence at the scene of the incident, two guards identified Woods to the Employer as the individual that threw the bottle into the van and identified Woods in a court proceeding. Woods was found guilty of the offense and fined. With respect to terminated employee Kester, the investigation disclosed sufficient evidence warranting further proceedings.

In these circumstances, the investigation failed to establish that the Employer engaged in bad faith bargaining by engaging in surface bargaining without intent to reach an agreement; failing to provide financial information; refusing to meet at reasonable times by leaving a meeting in progress; instituting unilateral changes in wages and working conditions prior to reaching impasse; and refusing to pay accrued vacation benefits to eligible striking employees; rather than, as contended by the Employer, that the Employer bargained in good faith with Local 438 with respect to hours, wages, and working conditions and implemented its final proposal only after reaching impasse; that all specifically requested financial information has been provided; that the Employer left one negotiating session under the belief that the meeting had concluded and otherwise met at reasonable times and places; and that vacation benefits have now been extended to all eligible striking employees. The investigation further failed to establish that the Employer discriminated against economic strikers by failing to reinstate striking employees after Local 438 made an unconditional offer to return to work, and further discriminated against striking employees Blanchard, Woods, and Kerr by terminating them, rather than, as contended by the Employer, that all economic strikers were permanently replaced prior to receipt of the unconditional offer and have been placed on a recall list, and that employees Blanchard, Woods, and Kerr were terminated for engaging in strike misconduct. So, further proceedings are not warranted now, and I am refusing to issue complaint in Cases 14--CA--17535 and

14--CA--17579, except for the alleged unlawful discharge of striking employee Jess Kester in Case 14--CA--17579, in which further proceedings appear warranted.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing an appeal with the General Counsel, addressed to the Office of Appeals, National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Washington, D. C. 20570, and a copy with me. This appeal must contain a complete statement setting forth the facts and reasons upon which it is based. The appeal must be received by the General Counsel in Washington, D. C. by the close of business on October 23, 1984. Upon good cause shown, however, the General Counsel may grant special permission for a longer period within which to file. Any request for extension of time must be submitted to the Office of Appeals in Washington, and a copy of any such request should be submitted to me.

If you file an appeal, please complete the Form NLRB-4767, Notice of Appeal, I have enclosed with this letter and send one copy of the form to each of the other parties whose names and addresses are listed below. The notice forms should be mailed at the same time you file the appeal, but mailing the notice forms does not relieve you of the necessity for filing the appeal itself with the General Counsel and a copy of the appeal with the Regional Director within the time stated above.

Very truly yours,

Joseph H. Solien
Regional Director

6 Enclosures

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

cc: General Counsel
Office of Appeals
National Labor Relations Board
1717 Pennsylvania Avenue, N.W.
Washington, D. C. 20570

Local 438, United Cement Workers
Route 1
Karnak, IL 62956

Local 438, Cement Workers
10067 Belfontaine Road
St. Louis, MO 63137

Missouri Portland Cement
Joppa, IL 62956

Missouri Portland Cement
7711 Carondelet
St. Louis, MO 63105

Mr. Andrew Lang
Attorney at Law
630 Camp Street
New Orleans, LA 70130

Mr. Ross A. Friedman
Attorney at Law
7711 Carondelet
St. Louis, MO 63105

mll

NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

February 14, 1985

Re: Missouri Portland Cement Co., Inc.
Case Nos. 14-CA-17535
14-CA-17579

J.F. Sounders, Esq.
905 Chemical Bldg.
721 Olive St.
St. Louis, Missouri 63101

Dear Mr. Souders:

Your appeal from the Regional Director's partial refusal to issue complaint in the captioned case has been duly considered.

The appeal is denied substantially for the reasons set forth in the Regional Director's letter of October 10, 1984. Contrary to your contention on appeal, it could not be established that the Employer's proposal, which included a broad managements rights clause, a grievance procedure and other proposed contractual provisions, were so restrictive of Union representation as to establish that they were proposed for purposes of impeding negotiations rather than for purposes of attempting to respond to the economic circumstances in which the Employer found itself. Nor was the fact that the Employer left the June 13 session, after waiting one hour for the Union to return from its caucus, sufficient of itself to warrant a finding of bad faith, particularly since the parties resumed negotiations on June 18.

Also contrary to your contention on appeal, the investigation established that the Union did not request financial information until 3¼ months after bargaining began and 3 days after the strike commenced. Further, the information was provided shortly thereafter, and there was no indication that the initial delay in providing it impeded the negotiations. It therefore could not be said that the refusal to furnish information was a contributing factor in causing or prolonging the strike. Consequently, it could not be established that the strikers had the status of unfair labor practice strikers, as contended on appeal. As for any reinstatement rights of the strikers as economic strikers, the unrebutted evidence indicated that the replacements utilized by the Employer were hired on or before receipt by the Employer of the Union's telegram, even though some of them may not have actually started work until after that date, and the Union had adduced no evidence to establish that any replacements has been in turn replaced by a new employee hired thereafter.

Concerning new matters raised after receipt of your initial appeal, it was concluded that under all the circumstances, and in the entire context of the statements in question, it could not be established that they constituted threats of physical violence against employees, as alleged. In regard to the Employer's delayed payment of accrued vacation benefits, it was concluded that the delay was of insufficient significance to warrant inclusion in a complaint, and although the Employer initially made such payments on the basis of the expired contract, inasmuch as both the contract and the implemented Employer proposal based such payments upon wages in effect at the time vacation is taken, the Employer's rectification of what it considered an error did not rise to the level of a violation of the Act. Lastly, although you have included in your supplemental appeal allegations concerning the composition of the grievance and safety committees, inasmuch as the Region has informed this office that said allegations are encompassed by a new charge you have filed, Case No. 14-CA-17812, which is currently under investigation, it was concluded that such allegations would be more properly dealt with in the context of that charge.

Very truly yours,

Rosemary M. Collyer
General Counsel

By Mary M. Shanklin
Mary M. Shanklin, Director
Office of Appeals

cc: Director, Region 14
Local 438, United Cement Wkrs., Rte. 1, Karnak, Illinois 62956
Local 438, Cement Wkrs., 10067 Belfontaine Rd., St. Louis, Missouri 63137
Missouri Portland Cement, Joppa, Illinois 62956
Missouri Portland Cement, 7711 Carondelet, St. Louis, Missouri 63105
Andrew Lang, Esq., 630 Camp St., New Orleans, Louisiana 70130
Ross A. Friedman, Esq., 7711 Carondelet, St. Louis, Missouri 63105

The CHAIRMAN. Senator Simon.

Senator SIMON. Mr. Chairman—and this goes much beyond this immediate situation—I think one of the major problems we have in this country right now in labor-management relations is the real anti-union tilt of the National Labor Relations Board.

The CHAIRMAN. Well, I don't agree with you, Senator, on that. All I can say is that it is not as it has been in the past, where some accused it of being just pro-union and anti-business.

My only point is this. They don't have any axes to grind, as far as I know. To my knowledge, they are the only truly objective party in this thing, and they found that there was no failure to bargain.

Frankly, a company has a right to present its position on the record, even though they disagree with it. They violently disagree with it, but that doesn't make it wrong, nor does that make it a failure to bargain.

Let me make one other point, Mr. Beck. To be honest, I am somewhat surprised——

Senator KENNEDY. As I am looking at the witness—did you have a response to make?

The CHAIRMAN. Do you want to make a point on that point?

Mr. BECK. No; go ahead.

The CHAIRMAN. Let me just say this. I am somewhat surprised that the allegation of failure to provide financial data is being raised again here. At the last hearing, it was made quite clear that the union has alleged that the company failed to provide financial data during the negotiations.

Mr. BECK. And they have not. I did not receive it.

The CHAIRMAN. OK, let me finish. Now, they brought this allegation to the National Labor Relations Board—the union did, as I understand it—and the Board rejected that allegation.

Mr. BECK. Everything that we charged, the Board let them remedy it after the fact, after the charge was filed, to correct it.

The CHAIRMAN. Let me make your point for you. On February 14, 1985, the Board's Office of Appeals sustained the regional director's refusal to issue a complaint for failure to provide relevant and necessary information. At the same time, the Board rejected the union's request that the NLRB issue a complaint against the company for refusal to bargain in good faith.

Now, you can keep raising the allegation, but the fact of the matter is that the Board investigated that complaint, it investigated it thoroughly and found that the regional director was correct in refusing to issue the complaint.

Mr. BECK. Does it seem funny to you, though, that they come up with a recommendation, they turn around, and the company goes in and stalls off for a couple of weeks, and the whole thing is reversed? To me, that isn't right. When it was sent to Washington is when it was changed.

The CHAIRMAN. You disagree with the Board, but the point I am making is that the Board has acted on it. Now, whether the Board has acted improperly or not, I cannot make that determination.

Mr. BECK. The Board is not consistent as to what it has been in the past, is what we are saying.

The CHAIRMAN. I see.

Mr. BECK. Could my attorney elaborate on this for a minute?

The CHAIRMAN. Sure. We would be glad to have him do that.

Mr. SOUDERS. Thank you, Senator.

If you can give me a few minutes to spell it out, but I first have to describe what the action was that the NLRB took in this case. It was unexplainable.

The CHAIRMAN. Well, first, let me ask you this. Did the Board do what I have just described in both instances with regard to the financial reports, with regard to the refusal to bargain in good faith?

Mr. SOUDERS. The left hand said one thing and the right hand said another.

The CHAIRMAN. But the answer is yes, the Board did it? Now, you disagree with——

Mr. SOUDERS. They did and they didn't.

The CHAIRMAN. OK.

Mr. SOUDERS. Let me point out to you, the regional office was the one that investigated this case, took the statements, and had it in their power to first decide, and the regional office, on October 10, in their letter, talked about the information that the union wanted, and the regional office said in their letter, upon assimilation, the remainder of the requested information was provided on August 27, 1984, to the International Union.

The CHAIRMAN. Right.

Mr. SOUDERS. That is 3 weeks after they offered to come back to work.

The CHAIRMAN. But it still was provided.

Mr. SOUDERS. Now, then this case went into Washington to the General Counsel, and the General Counsel says they didn't request the information until 3 days after the strike was commenced, and the information was provided shortly thereafter.

Now, if they were 3 days into the strike commencing on June 15 when we asked for it, "shortly thereafter" doesn't mean to me 3 weeks after August 6.

The CHAIRMAN. OK, but it is correct——

Mr. SOUDERS. This letter is in total contradiction to the regional office.

The CHAIRMAN. I understand that.

Mr. SOUDERS. Plus there were two negotiations going on at this time, separate demands, separate arguments, separate proposals. They never did give it to the Joppa local. They gave it to the Kansas City, KS, local and claimed that we should have known about it.

The CHAIRMAN. All right.

Mr. SOUDERS. That is unheard of in labor relations. The negotiations were separate. How can offers to one thing in Kansas apply to what is going on in southern Illinois? It is unbelievable, unbelievable.

The CHAIRMAN. All right. Let's proceed.

Mr. Beck, in a letter submitted to Senator Paul Simon, which was included in the record on February 27, 1985, you stated, and I quote, "No one—we repreat, no one—has been injured in any way in any picket line incident in Joppa." Now, is that a correct reading of your statement?

Mr. BECK. Yes.

The CHAIRMAN. Well, I would like to submit your letter to Senator Simon into the record as my exhibit No. 1.

[Senator Hatch's exhibit No. 1 follows:]

HATCH EXHIBIT #1

Cement, Lime, Gypsum and Allied Workers Division
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS

TEMPORARY DIVISION OFFICE • 2500 BRICKYALE DRIVE • ELK GROVE VILLAGE, IL 60007 • 312/595-5171

RICHARD A. NORTHRIP
International Vice President
HENRY W. BECHTHOLDT
Division Director

THOMAS W. (CED) RICE
International Representative
10067 Bellefontaine Rd. Suite
St. Louis, MO 63137
(314) 868-8400

FEB 25 1985

Senator Paul Simon
United States Senate
Dirksen Senate Office Building
Room 462
Washington, D.C. 20510

Dear Senator Simon:

The members of Local 438 in and around Joppa, Illinois extend our appreciation for your interest and concern these past months over the Missouri Portland Cement Company labor dispute. The Senate Committee on Labor and Human Resources, of which you are a member, has now scheduled a hearing on the matter for February 27, 1985. We were initially advised by Senator Hatch's staff that of the total hearing time of some four-and-a-half hours on Wednesday, because of the schedule of Company witnesses the Union would be limited to approximately 15 minutes to present its views. This time for our testimony was later extended, but we could not be guaranteed as much as an hour. We have today learned of the probability of a second hearing day at which the Union can present its account.

At the outset, we reaffirm that we do not approve of, condone or encourage violence. In fact, we have actively discouraged it.

Until we are given the opportunity to appear and be fully heard, we would greatly appreciate your advising the other members of the Committee of our position on the following items involved in the proceeding:

1. We are a small local union with limited financial resources representing some 115 members at the Joppa, Illinois plant. Until Missouri Portland Cement was bought out by H.K. Porter, and until the Company imported a team of highly paid outside "consultants," involved in breaking unions, there was a history of peaceful, productive and harmonious labor relations. Since the arrival of the consultants, no one has "won" but the consultants, and the Company has spent many millions of dollars simply to avoid renewing a labor contract with 115 people.

2. As to the hearings for Wednesday, February 27th, the public should expect to hear a contrived, carefully rehearsed script of a play written by the Company over a year ago. The Union members have been solid and resolute in their strike since June 1984. The Company obviously sees as its only chance of any success, a false campaign to discredit our union and it is spending more time sending out press releases than it is in trying to negotiate a contract.

Violence will not help the Union to win the strike, it can only hurt us. Claims and stories of violence, if believed, can only help the Company. The Company has more to gain in this situation by creating violence and they know it.

3. We do not deny that during the first day or two of the strike, when men were reporting for their shift but instead honored the picket line, there were times of massing and jamming at the entrance gate.

You may not have attended many Washington Redskins football games as yet but when you do this fall, we submit the massing and jamming at the stadium entrances will far exceed those of the first few days' problems in Joppa. No one, we repeat no one, has been injured in any way in any picket line incident in Joppa.

4. Both parties in this Joppa dispute sought and obtained a state court injunction prohibiting threats and violence by the other party. After a full hearing on this matter the state court judge issued a Reciprocal Injunction, which ran against both the Company and the Union. That injunction was issued on July 27, 1984, shortly after the strike commenced.

Since that date the Company has on at least six occasions sought contempt proceedings in the state court for violation of the injunction against some persons who are members of Local 438 and against some persons unconnected with Local 438. In each and every instance the state court judge held a full hearing on all the evidence. It is difficult to understand how any federal court could have been more thorough.

5. In a couple of individual, isolated instances a striking employee did "lose his cool" and do an unwarranted spontaneous act. In absolutely no instance was anyone injured. The matter was brought before the Court, heard, and a penalty levied.

Briefly, there are only three such instances that to our knowledge have occurred. In the first case a car ran against a stationary picket, breaking his picket sign. The picket reacted by hitting the windshield of the car with what was left of his

picket sign. Having done that, he walked over and got in the back of a police car just a few feet away so he could be driven to the station and booked. He later called the driver of the car, apologized, and offered to pay for the broken window.

The second, and to our mind the only real serious incident caused by any member, was a case of a member found guilty of throwing a piece of wood at the front corner of a truck as it drove by. The member has and continues to deny that he did it, but the Judge found him guilty. He was ordered to pay some $1200 and sentenced to 45 days in jail. Very frankly, that is a stiffer sentence than many well-known criminals of various types have received in federal courts across the land.

The third and final incident can be considered serious only if you believe the "stinks" (excuse the pun) raised about it by the Company and its rehearsed witness. They claim one of our members rode his bicycle some one hundred feet into the Company property, and with four Company guards standing by watching, the bicyclist threw "acid" on the fifth guard. Having done that, the bicyclist turned around rode back out the gate and down the country road with five guards still standing there watching him.

The Massic County Sheriffs office still has the so-called "acid" in its possession in a sealed container. It turned out to be skunk-scent used by hunters during deer season.

No one can claim that bicycle incident was right (and the Judge did fine the rider). To make it into some sort of wild violent incident would be like turning the Jack and Jill nursery rhyme into a case of child abuse.

6. One final matter must be noted. Missouri Portland Cement Company is probably the only Company in the history of this Nation that has ever been permanently enjoined by a Court from:

> "Authorizing, inducing, encouraging or ratifying the actions of any person or persons in dressing in hooded Ku Klux Klan outfits and parading with burning crosses at or near the picket line."

The undenied evidence before the Judge showed that on one night in early July, 1984, while our pickets which included minority members were on the line, an employee inside the plant donned a true, genuine Ku Klux Klan hooded outfit, running toward the pickets.

While one picket left to call the police, the remaining pickets stood their ground. When the police arrived the Company gates were locked and for some two hours the police were denied access. The Company guards claimed they had lost the key to the gates. When the police finally did get in the guards lied. They denied any cross burning, denied any Ku Klux Klan outfit, and claimed no knowledge of any such incident.

One guard finally admitted the lies, and others then did too. However, they produced a sheet with two eyeholes cut out and claimed that as the costume. To this day all but one of the guards involved in the incident is still in the plant and to our knowledge, the true Ku Klux Klan outfit may also be there ready for use at a future date.

When people are ready and willing to lie to law enforcement officers, they will lie to anyone else. We have strange claims of shots in the dark, shots at a house, shots at a van. In every instance, the culprit so precisely placed the shot so that no one was injured.

People inside the plant have guns. One of those hired by the Company was charged with possession of an automatic weapon, indicted, and admitted guilt. We understand that Missouri Portland Cement has kept this gun-toter on its payroll.

It is significant that the only person injured anywhere in this past year was an employee inside the plant, behind their chain link fence, and surrounded by some thirty or forty guards. Fights among those strike breakers brought in from outside the state are common. As a smokescreen the Company wants to blame it all on the Union.

A few years ago, about ninety miles from where your Senate hearing will be held, the Great Coastal Express Company filed suit against a union claiming they were responsible for gun shots, rock throwing and the like. The present script at Missouri Portland Cement Company appears to have been lifted from the Great Coastal Express case. A year or two after the Great Coastal Express Company won a damage suit against the union, a Company vice president admitted that the Company had submitted false affidavits, hired people to shoot at its own trucks, fabricated violence, punctured its own trucks tires and tore up trucks "to get rid of the union." If people at Missouri Portland Cement Company will parade around in Ku Klux Klan outfits, they will follow the rest of the Great Coastal Express script as well.

It does bother us that on Monday of this week, some newspapers have received the pre-arranged, surely rehearsed testimony of Company witnesses all spelled out with questions and answers in quotes. Why the reason for the hearing?

We appreciate any assistance in obtaining a second day of hearing so that we can fully present our case. We are in advance thanking the Committee for their consideration.

Very truly yours,

David Beck

David Beck, President
Local 438, Cement, Lime and Gypsum Workers
Division of Boilermakers' Union

RETURN RECEIPT REQUESTED ATTACHMENT 10-84

Dear Mr. McIntyre:

This is to acknowledge receipt of your October 2, 1984 letter regarding the Reciprocal Permanent Injunction. Your letter appears to be more of an attempt to dummy-up some "evidence"for future court proceedings (by use of your self-serving letter) than it is as a serious attempt to resolve problems. We will, however, treat it with seriousness and consideration which it probably does not deserve.

Your Company in the past has not demonstrated the slightest hesitance in seeking contempt of court citations and/or Grand Jury indictments of pickets and others for any and all reasons. Some of those reasons include even putting their foot one inch inside the Company's open gate. Of the many, many persons whom you have sought to be cited, to my knowledge only two members have been cited for contempt of Court and only one member, who admitted to the incident and sought to remedy his mistake immediately, was indicted for busting a windshield of a car after the car had broken the picket sign he was holding.

As you can see, if the Union took disciplinary action against the many, many you have charged, we would have proceeded against many innocent individuals as determined by a Court or Grand Jury.

The Union has repeatedly and continually advised our members not to engage in violence and we believe that with very few individual exceptions they have done so. As to those very few exceptions, they have received their penalty from the Court and the Union has personally impressed upon them that further instances will result in Union action against them including possible expulsion from membership. Our members repeatedly have been told that violent incidents do not aid the Union and it only plays into the Company's hands, considering the Company's obvious pleasure in reporting such items to the media.

We believe our members understand and have complied with the need for peaceful activity. We believe the Company should examine its own personnel on thse type incidents before looking elsewhere. As you know, and as found by the Court, persons under your direction and control at the Joppe facility conspired with the clear intent of antagonizing our pickets, some of whom are minorities, by having one of the "inside personnel" dress up in a Ku Klux Klan outfit and parade around at night with a burning cross. What other Company in this country has been enjoined by a Court from allowing such activity to continue?

The Union at its membership meetings has and will continue to advise our membership that unlawful acts are not condoned, authorized or encouraged. They have also been advised that it can possibly lead to fines and expulsion depending on the circumstances. We in turn suggest that you control to a much better extent than exists actions of your employees entering and leaving the plant in a manner endangering our pickets.

As a final note, your final paragraph threatens that if we don't take steps "to control these (claimed by you) continuing violations" you will hold me and the Union responsible. If you are serious in saying that, then the left hand of the Company does not know what the right hand is doing. Ever since you've started with your contempt of Court proceedings you've already sought exactly that, although unsuccessfully.

If you are serious in the statements made in your letter, then notify us immediately of any incidents identifying our members (rather than your inside personnel) you claim to be involved in any incidents, the details of the incident and all witnesses involved. We will check it out, advise you of the results of our investigation and the action thereupon taken. If you have alternative suggestions please advise, and they will be considered.

Very truly yours,

David Beck

David Beck

The CHAIRMAN. Now, you admit later in the letter that one picket, Garold Blanchard, broke a windshield of a car trying to cross the picket line. Another member, Jeff Adams, was found guilty of throwing a log into the windshield of a truck driven by a replacement worker named J.J. Badalich, and another member, Randy Woods, was fined for throwing skunk scent into a guard truck. Is that correct?

Mr. BECK. That is correct.

The CHAIRMAN. So, Mr. Beck, it seems to me you are drawing a distinction between violent acts—which you admit were committed by your members, or the court has so held in each of those cases—and acts which result in injury to one or more persons. Is that correct? You are making a distinction there.

Mr. BECK. I don't really understand what you are—you are trying to confuse me with——

The CHAIRMAN. You admit these violent acts occurred, but you are distinguishing those from acts which result in injury to one or more people.

Mr. BECK. What we have said is——

Senator KENNEDY. Mr. Chairman, Mr. Beck testified to those acts himself in his formal testimony, each one that you referred to, and indicated that he deplored those.

Mr. BECK. That is right.

The CHAIRMAN. Well, let me rephrase the question. Maybe I can help him understand it.

Senator KENNEDY. He phrased it himself in the course of his own testimony.

The CHAIRMAN. Your statement, Mr. Beck, said, "No one—we repeat, no one—was injured in any way in any picket line incident in Joppa."

Mr. BECK. Right. That is correct.

The CHAIRMAN. Now, does not that mean there were no violent acts?

Mr. BECK. Just exactly what it said: There was no one injured.

The CHAIRMAN. OK. So you have made that assertion.

Now, in your letter to Senator Simon, you state that a car ran against a stationary picket, breaking his picket sign.

Mr. BECK. Yes, I did.

The CHAIRMAN. The picket reacted by hitting the windshield of the car with what was left of the sign, or the post, I guess, that his sign was on. Now, is that a correct reading of your letter?

Mr. BECK. That is correct.

The CHAIRMAN. Now, during its testimony last month, the company submitted a videotape of this and several other incidents, and I would like to play that tape involving the incident at this time so we can all at least look at it.

Senator KENNEDY. Is this the videotape that was thrown out of court because it was tampered with?

Mr. BECK. No.

Senator KENNEDY. It is a different one?

Mr. BECK. Correct.

Senator KENNEDY. By the same company?

The CHAIRMAN. I think you will find this a very interesting tape.

Mr. BECK. Yes; I have seen it several times.

The CHAIRMAN. I wonder if we could turn the television lights off so that we could see. Unfortunately, everybody cannot see, but I want to give as many as possible the opportunity.

[Videotape shown.]

Mr. BECK. As you see, he gets in the State police car just as soon as he walks——

The CHAIRMAN. He just walked back and got into——

Mr. BECK. That is another one of your tricks with your camera. They won't show that part.

The CHAIRMAN. Now, that was the incident involving Mr. Blanchard, as I understand it.

Mr. BECK. Right. We have never denied it.

The CHAIRMAN. Now, the videotapes show that there were more than three pickets blocking the entrance to the facility. Would you agree with that?

Mr. BECK. The way the judge based his judgment on it, anyone that was touching the car is the people he found against.

The CHAIRMAN. But there were more than three pickets there, is what I am saying.

Mr. BECK. Yes; I think there were four guys that were touching the car physically.

The CHAIRMAN. Now, blocking the car was a violation of the temporary restraining order, wasn't it?

Mr. BECK. Right, and they were all found in contempt of court.

The CHAIRMAN. And you agree with that?

Mr. BECK. Right. But you really try to make this look as if this kind of stuff happened. This is 9 months, and that is——

The CHAIRMAN. I am just letting the tape speak for itself. I don't have any comments about it other than that. I just wanted to—we have heard about it, and I wanted everybody to see it.

Now, Mr. Blanchard and the others were illegally blocking the gate, according to the law, according to the temporary restraining order.

Mr. BECK. Right.

The CHAIRMAN. And they did stop and rock the car when it tried to enter?

Mr. BECK. They didn't rock the car. The car kept lunging forward.

The CHAIRMAN. Or blocked the car. Excuse me, I am sorry. Did I say rocked?

Mr. BECK. Yes; the car was lunging forward.

The CHAIRMAN. Well, as you know, as we saw, they stopped the car, they tried to block the car, and then Blanchard did pick up his sign and hit the windshield, which he said he was wrong for doing. In his letter he apologizes for this and offers to pay for the cost of any damage to the windshield.

Mr. BECK. And he also lost a job out of it.

The CHAIRMAN. Now, Mr. Beck, were you aware that Jeff Adams was found guilty of violating the court injunction concerning the strike for throwing a log at the windshield of a car driven by J. J. Badalich?

Mr. BECK. Pardon me? Is that a piece of firewood?

The CHAIRMAN. Are you saying a piece of firewood?

Mr. BECK. Yes; that's what it was.

The CHAIRMAN. Now, in your letter to Senator Simon, you characterize Mr. Adams' action as throwing a "piece of wood"—today you have characterized it as a piece of firewood—throwing that at Mr. Badalich's car.

It seems to me you have tried to distinguish between that being just a piece of wood as though it was trivial or insignificant. Are you aware that this so-called piece of wood has been described as being 12 inches in diameter and 18 inches in length?

Mr. BECK. No. I haven't seen it.

The CHAIRMAN. You haven't seen it? So you don't know whether it was——

Mr. BECK. No; I don't think the police even found out which one it was.

The CHAIRMAN. But if it was 12 inches in diameter and 18 inches in length, would you still call that a piece of wood, or would you call that a log?

Mr. BECK. If that is the case, I probably would call it——

The CHAIRMAN. Senator Kennedy would call it a big piece of wood, and so would I. [Laughter.]

Mr. BECK. In southern Illinois, we call a log something like this big.

The CHAIRMAN. Oh, I see, not a regular log. I see. [Laughter.]

Well, I believe as a result of that big piece of wood that was thrown at the windshield, Mr. Adams was imprisoned for 45 days. Is that correct?

Mr. BECK. He was in the county jail.

The CHAIRMAN. For 45 days?

Mr. BECK. Yes.

The CHAIRMAN. Now, you indicated in your letter to Senator Simon that you felt that Mr. Adams was treated very harshly by the judge when he was sent to prison for 45 days and fined $1,200. Is that right?

Mr. BECK. I don't really know what you could do too much more to the man. I don't think he had been in any sort of trouble before,

and it was fairly harsh. You ought to try sitting in that jail for 45 days.

The CHAIRMAN. Well, I don't want to do it, myself.

Mr. SOUDERS. I think, Your Honor, the point that was made in that letter was, listen, people in Federal court doing much worse than this don't get as much as this. How can you ask that things go into Federal court when here's a State court levying a much heavier punishment than they would probably get in Federal court?

The CHAIRMAN. I understand the point.

Mr. BECK. And the claims that they have on this judge that's not doing his job down there, man, if he got any worse, I don't know how we could stand it.

The CHAIRMAN. So you are saying the judge is bad?

Mr. BECK. Every time we talk in there——

The CHAIRMAN. He mistreats you?

Mr. BECK [continuing]. You'd better be able to prove it to no end or you're going to go to jail or pay a hell of a fine.

The CHAIRMAN. Well, I take it, Mr. Beck, that you feel a man who has thrown a log at a windshield of a truck traveling 25 miles per hour, an act which has been described here as one which could clearly kill the driver, that a person found guilty of such an attempt on the life of another human being is treated harshly, being sent to jail for 45 days.

Now, do you still believe that? You thought it was a piece of wood. I can understand you believing it if you thought it was just a piece of wood like a stick or something. But when you have a 12-inch by 18-inch log thrown at a car going 25 miles an hour, at the windshield, I think you would have to admit that that could kill the driver. Do you disagree with that?

Mr. SOUDERS. We have never minimized the seriousness of that, Senator Hatch.

The CHAIRMAN. Read your letter.

Mr. SOUDERS. I think you are expanding on what the problem might be, that when a piece of wood—and I don't think anybody has described it to that extent—when a piece of wood is thrown at a car, it is serious.

The CHAIRMAN. You bet it is.

Mr. SOUDERS. But I do think that the penalty levied here is probably a lesser penalty than somebody might have gotten even before many Federal judges, and with all due respect to you, Senator—and I really appreciate your position—when you said in your opening statement that this was an example of a small-town judicial system broken down, there is no way that that statement can be made.

This small-town judicial system has operated more effectively than any Federal system could have operated. This company has not once complained about its treatment in that court; not once have they complained what this judge has done, and not once have they appealed any of his decisions.

The CHAIRMAN. All right. Let's show on the tape what happened to the truck. Do you have an interview here with Mr. Badalich? OK.

Senator KENNEDY. Is this the one we just saw, Mr. Chairman?

The CHAIRMAN. No; let's play that plus the interview with Mr. Badalich. This may be the one we just saw, but we have to finish it.

[Videotape shown.]

The CHAIRMAN. You don't have an illustration of the truck that Badalich was driving? All right.

Are Garold Blanchard and Jeff Adams members of your union?

Mr. BECK. Correct.

The CHAIRMAN. They are. Are they still members in good standing.

Mr. BECK. They are both still members, but neither one walks the picket line anymore.

The CHAIRMAN. You removed them from the picket line, as I understand it.

Mr. BECK. Mr. Blanchard removed himself, and we removed Mr. Adams.

The CHAIRMAN. Let's turn to what you refer to as the "skunk scent" incident. You state in your letter to Senator Simon, and I quote: "No one can claim that the bicycle incident was right, and the judge did fine the rider. To make it into some sort of wild, violent incident would be like turning the Jack and Jill nursery rhyme into a case of child abuse."

Was the name of the bicycle rider Randy Woods?

Mr. BECK. Yes; it was.

The CHAIRMAN. Is he a union member? I think you said that already.

Mr. BECK. Yes.

The CHAIRMAN. Isn't he also a member of the union bargaining team?

Mr. BECK. Yes; he is.

The CHAIRMAN. Does Mr. Woods deny that he was the individual who threw the substance into the guard van?

Mr. BECK. He has denied it at all times.

The CHAIRMAN. As I understand it, Mr. Woods was fined $500 for violating the court injunction against violence for committing this act. Is that correct?

Mr. BECK. Yes; he was.

The CHAIRMAN. Now, I don't know what you think about having skunk scent being thrown at you, but you seem to have minimized it in your letter as something that really shouldn't be taken seriously.

Mr. BECK. The point that we were trying to make there, Mr. Mitchell and Mr. Lang took this into court, and they exaggerated what liquid they had, saying it was acid, and trying to—they even went so far as to put a man on the stand and opened his shirt and were trying to show where he had gotten burned.

That is how they fabricated so many things, and to any extent they will go to get what they want.

The CHAIRMAN. Now, my staff obtained a sample of this kind of skunk scent available in the Metropolis area. We will put that in the record for whatever it is worth. We will call it Hatch exhibit No. 2. [Laughter.]

I don't know who is going to take care of that.

Senator KENNEDY. That's the chairman's responsibility. [Laughter.]

The CHAIRMAN. Well, I could say something here, but I think I will refrain.

[Senator Hatch's exhibit No. 2 follows:]

HATCH EXHIBIT #2

CAUTION!

Solutions contain toxic and somewhat corrosive chemicals. Do not take internally and **KEEP OUT OF EYES.** Wash from eyes immediately with copious amounts of water. Also, wash thoroughly from skin and clothing with water. See a physician immediately if gotten in eyes or ingested. **KEEP AWAY FROM CHILDREN.**

KEEP COMPLETELY AWAY FROM CHILDREN. It is especially important that the solutions be kept from the eyes. Contact with the eyes could produce serious damage. If there should be accidental eye contact, wash eyes with copious amounts of water and immediately see a physician. If the solutions contact the skin or clothes, wash them off immediately with water. If reasonable care is taken, there should be virtually no chance of a serious accident. The solutions are packaged in special bottles with unusually snug caps. Should one of your bottles leak, return it for replacement without charge to you.

Although this product was field tested for three years before being put on the market, there are almost surely a variety of ways to use it that have not been tried. SKUNK SKREEN® would appreciate receiving correspondence from any user who feels he or she has used it in a unique way or has experienced unusual results with it. Any suggestions for improvement would be appreciated because we wish to market a first class product.

REMEMBER

An old seasoned hunting buddy once lamented "The big buck always eludes me since he tracks up wind to detect or smell danger and most of all to protect the 'rack' on his head!" A little "SKUNK SKREEN" used properly could make the difference between a successful and an unsuccessful hunt!

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EASY TO HANDLE
LASTS ALL SEASON

FIELD TESTED SINCE 1974

The CHAIRMAN. It is called "Skunk Skreen," and it is supposed to be used in deer hunting to mask the scent of the hunter. I imagine it would really do that.

Let me read to you from the side of the box.

Mr. BECK. What you've got there, we don't know if it is the same stuff. There are different types.

The CHAIRMAN. Sure. This comes right from that area. Let me read the side of the box. It says, "Caution, solutions contain toxic and somewhat corrosive chemicals. Do not take internally and keep out of eyes. Wash from eyes immediately with copious amounts of water. Also wash thoroughly from skin and clothing with water. See a physician immediately if gotten in eyes or ingested. Keep away from children."

Senator SIMON. Mr. Chairman?

The CHAIRMAN. Yes?

Senator SIMON. Do you have any evidence that that is what was used there?

The CHAIRMAN. It is our understanding that this is used commonly in that area, and this is what was used, yes.

Senator SIMON. Well, to say it is used commonly in the area is one thing. To say this was used by the man involved in this incident is quite another.

The CHAIRMAN. Well, this is the only one we know of, but maybe it isn't.

Senator SIMON. There is one more that I knew of before this, but there may be others. I am simply saying, here we are talking about an act that the union says was wrong. The union has made clear that they do not want violence, and I think we have to be careful about evidence we use charging people with things when we have no reason to know that that, what you have there, was used in this case.

The CHAIRMAN. We had evidence that——

Mr. BECK. The skunk scent is sitting in the sheriff's department right now.

The CHAIRMAN. OK. Well, this is the only kind of skunk scent that is sold in Metropolis, so we presume it is the same, but it may not be.

Mr. BECK. There are stores in Kentucky just across the river.

Senator KENNEDY. On this point, as I understand from the State police, they said with regard to the material that was used, at the hearing, the bottle and residue were eventually submitted to the DSS Bureau of Scientific Service Laboratory for examination. Preliminary findings are that the residue is neither acid nor caustic. That is the materials that were actually used.

I would like to have that made a part of the record.

The CHAIRMAN. Without objection, we will make that part of the record.

[The material referred to follows:]

DEPARTMENT OF LAW ENFORCEMENT
DIVISION OF SUPPORT SERVICES
SAM W. NOLEN - DEPUTY DIRECTOR

Springfield Laboratory
2168 South Ninth Street
Springfield, Illinois 62703
(217) 782-4975

Division of Criminal Investigation, Zone #13
2209 West Main
Marion, Illinois 62959

Agency #84P2062

Attention: Special Agent E. Thrailkill

Laboratory #D-84-832

April 15, 1985

OFFENSE: Mob Action

SUSPECT(S):

VICTIM(S): Portland Cement Company

RECEIVED: March 25, 1985 FROM: Registered Mail #R 179 335 681

The following is a summary of the analytical findings.

EXHIBIT	DESCRIPTION	FINDINGS
#2	Maxwell House can containing styrofoam cup, glass bottle, white plastic fork	Residue in glass bottle contains glycerol and other unidentified material. Insufficient sample for further testing.

EVIDENCE DISPOSITION:

The above listed exhibit will be returned to you under separate cover by registered mail.

RESPECTFULLY SUBMITTED Paula J. Cardosi

Paula J. Cardosi
Forensic Scientist

PJC:r
cc: DeSoto Laboratory

BUREAU OF SCIENTIFIC SERVICES - FORENSIC LABORATORY

Senator KENNEDY. It seems to me we ought to be using the information and, if possible, the materials that were actually used, not just another substance that might have the same or a similar name.

The CHAIRMAN. That has been made part of the record. We are simply basing this on the union's statement that they thought it was toxic.

Now, let me just say this. In the instructions that come with this product—whether it is the same product or not, I cannot say—there is an additional warning. It says, "Both solutions contain somewhat corrosive and potentially toxic chemicals which could produce fatal results if taken internally."

Now, according to the manufacturer of this product, Skunk Skreen has many qualities similar to acidic liquid. So I feel that the guards were understandable in thinking they had been hit with acid if this is what was used.

Now, we will be happy to ask the people to produce what was used, and we will button that down in the end. If this is what was used, then I think anybody could be pretty darned upset about something that is potentially fatal being considered just a lark, you see.

Mr. BECK. Yes.

The CHAIRMAN. Now, several individuals have testified that as a result of the skunk scent being tossed into and on the security guards, all six men in the van began to have difficulty breathing, and some began to vomit. One guard, Greg Peterson, who will testify later today, lost consciousness as the result of this attack, and another guard, Terry Payne, was affected so severely by the liquid that he vomited blood for 45 minutes. It sounds to me like it is caustic.

Mr. BECK. They have a tendency to exaggerate, such as, we had one of our picketers that went out behind, out in the field and was using the bathroom, and the guard wrote in his report that he was performing a sexual act.

The CHAIRMAN. I see.

Are you aware of the testimony of these people who have said that they vomited blood and——

Mr. BECK. Yes; I listened to the stuff that they went in there with.

The CHAIRMAN. Were you here last time?

Mr. BECK. No; I am talking—I was in court.

The CHAIRMAN. Oh, in court.

Mr. BECK. When they had these guards in there with Mr. Peterson that I think they are going to bring in here later.

The CHAIRMAN. All right.

Now, are you saying, Mr. Beck, that these guards were not attacked?

Senator KENNEDY. Just on this point, since I think the record will be complete, but the police themselves, I understand, later will say the trooper reported that all four guards were taken to Lourdes Hospital for examination. Of the four persons, three received no treatment at all; one was actually examined and found to be uninjured.

I think the State police will be able to make that themselves.

Mr. BECK. Absolutely.

Senator KENNEDY. But I think it is important. We can spend a lot of time—we frequently too often do—in charges and countercharges. I just think that the record again will speak for itself.

Mr. BECK. Thank You.

The CHAIRMAN. Well, all I want to know, Mr. Beck, are you saying that the guards who were attacked were not injured inany way?

Mr. BECK. To our knowledge, they weren't, but we were saying that when they went to court, they drummed up everything they could think of that was supposed to have been wrong with them, and they talked about acid. They misrepresented the whole—you know, the fact is that skunk oil was thrown in there, and it would have had a foul odor, but to my knowledge, there wasn't anyone injured.

The CHAIRMAN. Do you believe, then, that these guards lied to the State judge when they were asked about these incidents, and that they then lied before this committee when they testified last month?

Mr. BECK We didn't have the police reports at that time, they are not beneath it.

The CHAIRMAN. So you believe they did, then?

Mr. BECK. Yes; no doubt.

The CHAIRMAN. OK. Is Randy Woods still a member in good standing? Is he still a member of your union in good standing?

Mr. BECK. Yes. Yes; he is.

The CHAIRMAN. Has he been kept off picket line duty?

Mr. BECK. Like I stated earlier, I talked to Randy after this problem occurred, and I really go on him hard about it and told him, we just can't put up with it; if there are any more problems, you're going to have to stay away from there and don't come back. We kept an eye on him, and we never had another problem with him.

The CHAIRMAN. So he is still doing picket line duty, then?

Mr. BECK. Correct.

The CHAIRMAN. OK.

Mr. Beck, an individual named Kenny Hutchens testified that he was beaten severely by five men. His arm was broken, his ankle fractured, and rib and finger were also broken as a result of the beating, according to his testimony. Maybe we could play his statement that he made before CNN.

[Videotape shown.]

The CHAIRMAN. Are you saying, Mr. Beck, that his injuries had nothing to do with picket line violence or with your union?

Mr. BECK. All I can tell you, Senator Hatch, is that where this took place, allegedly, is in the middle of the plant. There are lights all the way around it. They have got guards all over the plant. They periodically go through that area and have checkpoints they have to check in with.

It is all under control, and I don't see why they're pointing at us. That's where their finger seems to go every time.

The statement he has made on this CNN, I talked to the sheriff of Massac County, and he gave me the indication that Mr. Hutchens gave him one statement, turned around and gave the State

police a different statement, and then turned around and went on CNN and made a completely different statement.

The CHAIRMAN. According to what he testified here that is very consistent.

Let me just say this——

Mr. BECK. I am telling you what the sheriff indicated to me.

The CHAIRMAN. Then you don't believe his injuries came from anybody in your union?

Mr. BECK. I don't have any idea where they came from.

The CHAIRMAN. Well, Mr. Hutchins testified that he recognized one of the men who beat him, and he saw that man walking on the picket line on several occasions.

Mr. BECK. They've got a picture of all our members, and I think they even sent a picture and seniority list to the State police. He couldn't identify anyone, and I am sure Mr. Mitchell is the one that talked him into saying it was the guy he had seen on the picket line before.

The CHAIRMAN. I see.

Mr. BECK. He is very good at that, convincing you of what he saw.

The CHAIRMAN. Are you saying, then, that he lied to the committee when he indicated he was beaten by a picket that he identified later?

Mr. BECK. Then if he was a picket, why didn't he—they've got a picture of every man that walked that picket line. They have them on tapes. Anybody you want to go look at, you pick a name, and they'll take you in there and they can show you.

The CHAIRMAN. I see. Are you intimating that the company attorney——

Mr. BECK. Pardon me?

The CHAIRMAN. Are you intimating that the company attorneys caused him to not tell the truth about this incident?

Mr. BECK. No; they just show him pictures and—you know.

The CHAIRMAN. So as far as you know, you don't know whether a picket line member of the union or members of the union beat him up or not?

Mr. BECK. What I'm telling you, they've got pictures and names to match everything. Anybody that has walked that picket line, all they had to do was—all he has got to do is show them the man that did it, and they've got the name that goes along with it.

The CHAIRMAN. As you know, Mr. Beck, one of the major allegations that came before this committee last time was that the police were not worth a damn out there, that they wouldn't investigate, wouldn't follow up, wouldn't do their job, much like your allegation, Mr. Souders, that the judge wasn't worth a damn, that he was always one-sided against the union.

Mr. SOUDERS. I have never made that allegation as to the judge, Your Honor.

The CHAIRMAN. Well, I understand you didn't say it in those words, but——

Mr. SOUDERS. Don't put me that, but what I am saying is that when this company has information of any threats or violence, including one of our members putting his toe 6 inches inside that plant gate, they run in for a contempt proceeding, and out of this

line of baloney that they come in here with, they have gone to court six times, and out of those six times, there have been three incidents.

You've listened to this for days, apparently, and they have come into court with what they think they can prove six times, and on those times practically everything has been dismissed against them by a judge, that they do not appeal, that they do not disqualify, and that they do not argue with.

Now, why, after all of that, is this all being built up? If they got it, let them put up or shut up in a contempt proceeding in that court.

The CHAIRMAN. Well, I suspect it is being built up because somebody has beaten people up; somebody has fired shots at people; somebody threw skunk oil at people that may have been toxic—it may not have been, but certainly——

Mr. SOUDERS. Why, in a plant that is surrounded by barbed wire, protected by lights, controlled by 150 guards, why, when something happens in the middle of all that, do they come out to us on the outside and say, You did it?

The CHAIRMAN. Now, Mr. Souders, you know that it only has a fence on the one side.

Mr. SOUDERS. I do not know.

The CHAIRMAN. It is not surrounded by barbed wire.

Mr. SOUDERS. No; it is our understanding that it is all the way around. And, Your Honor, you are going to hear some testimony——

The CHAIRMAN. I suggest you go out and take a look at it.

Mr. SOUDERS. You are going to hear some testimony about those strikebreakers in there that are on alcohol, that are on drugs, that engage in fights, and that carry guns. If you want to be in trouble, don't stand out by the picket line; go on inside there. That is where your trouble is coming from.

The CHAIRMAN. Well, that isn't the testimony.

Mr. Beck, Gary Miller testified on February 27, 1985, this year, that he was grazed by a bullet when the van carrying replacement employees was shot into eight times on its way to the plant. The shooting occurred on November 4 of last year, 1984.

Were you aware of the injury to Mr. Miller when you made the statement that no one was injured in any way in any picket line violence?

Mr. BECK. That has never come up in court, to my knowledge.

The CHAIRMAN. But are you aware of this statement? Were you aware this happened?

Mr. BECK. Pardon me?

The CHAIRMAN. Are you aware that this happened?

Mr. BECK. No; that's like I've told you in the previous statements. We have asked this company to give us, if they've got a problem, to give us a list of their problems, and maybe we can check and try to find things out. We don't know what is going on.

The CHAIRMAN. OK, but the testimony here was that he was actually grazed by a bullet. His van was shot into eight times on his way to the plant, and that occurred on November 4. Now, it sounds to me like that is pretty serious stuff.

Mr. BECK. Like I said, this is the first—they never came to us and it hasn't been in court, so I don't know. What can I say?

The CHAIRMAN. Mr. Beck, you are not denying that Mr. Miller was struck by a bullet in the head, are you?

Mr. BECK. How do I know?

The CHAIRMAN. You don't know? OK. But if he was, then you would have to change your statement, wouldn't you?

Mr. BECK. This "was" and "if" is getting used several times. I don't know.

Senator SIMON. Mr. Chairman?

The CHAIRMAN. Well, I am saying he was. He testified that he was.

Yes, Senator Simon?

Senator SIMON. I think we have to get back to the point—I think two points have to be made here. No. 1, again, this union has made clear from day one that they were opposed to violence. Here is a union contract that expired May 1 where a company said, we want you to cut back one-fourth of your salary. The contract expired May 1—the testimony we heard today—and on August 27, 58 days later, they provided financial informations.

I would also like to enter into the record—because I think there are questions here about the ethics of the companies involved here, Nuckols & Associates and another company called Troubleshooters, we have asked the Department of Registrations and Education, and under Illinois law, for them to come into the State of Illinois, they are supposed to be licensed under the Private Detective and Private Security Act of 1983.

I have a notarized statement here by the director of the Illinois Department of Registration and Education. It contains a typographical error—it runs the two names together—but it basically says that neither company has a license or has made application.

Those two companies obviously are breaking Illinois law. Whether the parent company that hired them is breaking Illinois law, I frankly don't know.

But I think the record is fairly clear. These are outfits that are willing to fabricate evidence, if necessary, to help the cause, and you have a company that has been talked into doing something that simply isn't wise.

I am not suggesting for a moment that every act by every member of that union is proper. When violence occurs, it is wrong. That is also the stand that the union has taken.

I would like to enter this certification from the director of the Department of Registration and Education into the record so that we know, here is a company that has hired people who are operating in violation of Illinois law.

The CHAIRMAN. Without objection, we will put that in there.

[The material referred to follows:]

STATE OF ILLINOIS
DRE DEPARTMENT OF REGISTRATION AND EDUCATION
320 West Washington—3rd Floor • Springfield, Illinois 62786 • (217) 785-0800
GARY L. CLAYTON—Director

C E R T I F I C A T I O N

March 25, 1985

I, Gary L. Clayton, do hereby certify that I am the Director of the Department of Registration and Education, a Department of the Government of the State of Illinois; that I am the keeper of the records of the Department of Registration and Education and its seal; that a standard search of the available records of this Office indicates the following:

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Gary L. Clayton
Gary L. Clayton
Director

S E A L

The CHAIRMAN. But the real purpose of my question is to show that Mr. Beck's testimony is not true when he said that nobody was hurt as a result of the violence that occurred on the picket line. In other words, we have had testimony that makes it quite clear that it was not true.

You don't know whether he was shot in the head or not, but he testified that he was, and that there were eight shots in the van at that particular time, as I recall.

Mr. BECK. When we wrote to Senator Simon, to the best of our knowledge, that is all I knew about the whole——

The CHAIRMAN. But if that occured, you would be appalled, wouldn't you? You would be upset about it?

Mr. BECK. Sure.

The CHAIRMAN. You would have to say that there was an attempt to murder somebody.

Mr. SOUDERS. Senator, we have had an injunction hearing, we have had a number of contempt hearings since that time, and until they walked in to you here at this last hearing date, we had never heard about that, and they never reported it to us. They never asked us to check into it.

The CHAIRMAN. Well, Mr. Souders, I understand that. Mr. Beck just testified that he hadn't heard about it until these hearings took place, but now that he has heard about it, would you care to revamp your statement that there was nobody hurt as a result of this?

Mr. SOUDERS. We will stand on our original position to the company of saying, if you have a problem, tell us about it; tell us where it happened, who was involved. We will check into it and give you our report back and tell you what we have done about.

When they do that, we will then get serious about checking into it.

The CHAIRMAN. As chairman of this committee, I am telling you to look into it, and you find out who did it, and then let us know, and get it straightened out.

Mr. SOUDERS. We respect your position, Senator, and at your request, we will do what we can on it.

The CHAIRMAN. Thank you so much.

Senator SIMON. Mr. Chairman.

The CHAIRMAN. Yes?

Senator SIMON. May I simply ask, was this incident you are talking about, was that reported to the sheriff or the State police?

The CHAIRMAN. My understanding is that it was. I think we have put everything in the record that we have. It is in the record.

Now, Mr. Beck, Delbert Sullivan testified that Gary Lee Hennessey came back from a run to the Missouri-Portland facility with blood running down his face after the truck he was driving was shot. Mr. Sullivan believes that the truck was hit with a shotgun shell full of glass.

Now, were you aware of this injury when you said that no one was injured in any way as a result of the picket line incidents at the Joppa plant?

Mr. BECK. This has never come up in any court.

The CHAIRMAN. But are you aware of it at all until today?

Mr. BECK. No.

The CHAIRMAN. You are not? OK.

Were you aware that Mr. William Johnson, another one of Mr. Sullivan's drivers, was cut by flying glass when a brick was thrown at the cab of a truck he was driving? Were you aware of it?

Mr. BECK. No; I wasn't aware of it at all. These cuts and abrasions that they have come up with, this van that they accused Mr. Medley of throwing a rock through, I went to the police station when they came to get Mr. Medley, and in the report, they had the two people that were in the van were cut, also.

I saw the two people inside the sheriff's department, and there were no cuts on them, and any time any glass is shattered or allegedly shattered, somebody gets cut, according to them, and this is another fabrication that they are coming up with.

The CHAIRMAN. Well, this has to do with Sullivan's trucks as they cross the picket line. It has nothing to do with the van. But you are saying——

Mr. BECK. OK. Mr. Sullivan will do just exactly as your people in the van, whatever he is told.

The CHAIRMAN. You are saying that you believe them to be lies, then?

Mr. BECK. Well, sure, they are.

The CHAIRMAN. OK. Now, were you aware, with regard to this brick incident, that the police filled out a report on an incident in which Tom Eckholm was actually punched by a picketer when he drove his motorcycle into the plant on the evening of August 22, 1984?

Mr. BECK. Was actually what now?

The CHAIRMAN. He was punched.

Mr. BECK. Punched. Oh, no, I am not aware of it at all.

The CHAIRMAN. But if that had occurred, you would have to say that was serious stuff, wouldn't you?

Mr. BECK. Well, sure. If it had occurred, I am sure that we would have gone to court with it, and we would have taken action on the people that were involved.

The CHAIRMAN. Do you deny that Mr. Miller, Mr. Hennessey, Mr. Johnson, and Mr. Eckholm were injured at all?

Mr. BECK. Not to my knowledge. The company has never informed us of it.

The CHAIRMAN. But you really don't know, then, is what you are saying.

Mr. BECK. Not at this time.

Senator SIMON. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator SIMON. I have here the letter sent to you on February 27 by Capt. Raymond C. Niebuhr of the Illinois State Police. It is a 5-page letter going into some detail about all kinds of things. It does not mention the Miller incident at all in here.

The CHAIRMAN. We had direct testimony on that.

Senator SIMON. I am not saying it hasn't occurred, but the State police don't know about it.

Again, I would simply underscore, here we have union officials who have gone out of their way to say, No. 1, we don't want violence; No. 2, to say to the company, any time you find any evidence of violence and we can stop it in any way, we want to stop it.

I think that that is significant. There is not a pattern. We don't have here a union leader who is advocating violence.

The CHAIRMAN. Are you saying that the company has never sent you a letter listing incidents of violence and abuse of their employees?

Mr. BECK. That is correct. Like I said previously, we had sent them a letter asking for these instances and then the problems they've got, and we would try to help them solve them, and we never received anything from the company, any response whatsoever.

The CHAIRMAN. Well, Mr. Beck, are you asserting or are you not asserting here that Mr. Hennessey, Mr. Miller, Mr. Johnson, and Mr. Eckholm all lied when they stated that they were so injured as a result of picket line violence?

Mr. BECK. How do I know? I wasn't——

The CHAIRMAN. So you really don't know. OK.

Is the real way to understand your statement that "No one—we repeat, no one—has been injured in any way in any picket line incident in Joppa," if you interpret it in the following manner? "No union member belonging to local 438—we repeat, no union member belonging to Local 438—was injured in any way in any picket line incident in Joppa." Is that what you meant, or were you talking about nobody, but nobody, was injured?

Mr. BECK. We are talking about everyone.

The CHAIRMAN. OK. So you are saying none of your pickets were injured?

Mr. BECK. We said none of the company's people or guards, either.

The CHAIRMAN. OK. Now, as I understand it, you testified before Cable News Network that your men were placed in a lot of danger by the company employees, or by the company and its representatives. Is that correct?

Mr. BECK. The people that drove in and out of the plant, they were driving at excessive speeds. They would come out, and I have observed Mr. Hubbard, which works for Missouri-Portland—used to—I think he was one of them they fired—go inside and, as he went by the pickets, pull a club out from underneath the seat and beat the steering wheel with it.

They have given our people the finger, they have cussed them, they have tried to intimidate in every way.

The CHAIRMAN. Before you go any further, let me just play this for you so you know what you said, and then we will all know what you said to CNN. It will be a little more fair to you, I think.

[Videotape shown.]

The CHAIRMAN. If your men were being placed in danger by the company or any of its representatives, why did you personally call off the State police?

Mr. BECK. We had a problem with the community. At this point in time, there were approximately 30 to 32 squad cars that sat in the area. This was within 1 mile from the plant. They had a big bus where they had riot gear and different things also in the area.

Well, really, there wasn't any need for all these people. I did call the Governor's office and tried to get a few of the police removed,

and I called Bob Winchester, who was the Representative—both Republicans, mind you.

Like you say, the 32 cars, it was excess. You talk about bringing the Federal Government in. I don't know where you could have put them up because they had all the motels full. [Laughter.]

The CHAIRMAN. But you said in the interview that you called them off because they were embarrassing to your members.

Mr. BECK. Yes; I had complaints from the community constantly, people calling me and saying, "Hey, what are you guys doing down there? Why are all these State police here? They are all working overtime every day,"—and I even had the State police griping at me, saying, "Hey, do you think there is anything you could do to get us to where I don't have to work all this overtime?"

The CHAIRMAN. Well, if it were true that the State police had been in Joppa, in that area, in force, wouldn't it have been less likely that some of these violent acts would have occurred?

Mr. BECK. We had one that sat on the front gate for 2 weeks.

The CHAIRMAN. I see.

Mr. BECK. There wasn't any violence, and all this alleged stuff, blocking the gate, that is just bull.

The CHAIRMAN. Is it true that if the State police had been there, perhaps Randy Woods wouldn't have thrown the skunk oil or whatever it was?

Mr. BECK. There is a possibility. At that time, I don't know why they weren't, because they were there most of the daylight hours.

The CHAIRMAN. Well, as I watched the Blanchard videotape, I saw the gate blocked by a police car and by more than three pickets.

Mr. BECK. By what?

The CHAIRMAN. Wasn't it a police car? Oh, I see. What I am saying is, there was a police car in the picture, yet you admitted there were more than three pickets, which was what the restraining order had provided.

Mr. BECK. Go ahead.

The CHAIRMAN. So my question is, had the State police really been doing their job, that would not have occurred, and some of these other acts of violence would not have occurred as well.

Mr. BECK. On Mr. Blanchard's?

The CHAIRMAN. Yes.

Mr. BECK. I don't know how you could stop it.

The CHAIRMAN. Well, what about Jeff Adams and this log throwing? Would that have occurred if the police had been there? Did that occur at the picket line?

Mr. BECK. Well, the only way you could possibly stop it, I guess, is if you had somebody that—which they did for the first few weeks of the strike—the State police escorted guards in the plant. Illinois spent a lot of money on this.

Senator KENNEDY. Could I, just on this point, Mr. Chairman, ask, after you called the Republican Governor and Republican Congressman, what happened? Was the number reduced?

Mr. BECK. Right; they stayed there for a couple more weeks. They didn't do any good, the calls I made. They did reduce them to probably 8 or 10 cars, but they weren't withdrawn completely. They always had 8 or 10 extra men.

Senator KENNEDY. But can you give us some idea how many cars were there, and after the calls, how many? Was it all eliminated or were some eliminated?

Mr. BECK. It was somewhere in the vicinity of 28 to 30, somewhere in there, at one period.

Senator KENNEDY. Of what? Of cars or individuals?

Mr. BECK. Of cars.

Senator KENNEDY. And after the calls, those numbers——

Mr. BECK. They were reduced to approximately 8 or 10, to my knowledge. Now, Lieutenant Richter——

Senator KENNEDY. We will hear from them. But they were still in the area, the immediate area?

Mr. BECK. Right.

The CHAIRMAN. Were there 8 or 10 State trooper cars there at all times or just on this one occasion?

Mr. BECK. No; there for a good portion—you know, it has been a good while since this has all happened.

Senator KENNEDY. We will hear from them, in any event, in terms of numbers. They are the best ones to give it to us.

The CHAIRMAN. Sure. Mr. Beck, since the strike began, has the union maintained pickets at the plant every day and every night?

Mr. BECK. We have someone—yes, there is always at least one or two men there.

The CHAIRMAN. As president of the union, how often do you go out there and how long do you stay at the picket line?

Mr. BECK. I go out there at least probably two or three times a day. For the first few weeks, I just about lived there, because I only live a couple of miles from the plant.

The CHAIRMAN. From that area.

Mr. BECK. Right.

The CHAIRMAN. In a State court proceeding on July 23, 1984, you stated that after the third week of the strike, you were actually on the line, at most, 8 to 10 hours a week. Is that still about right?

We will just enter a copy of that State court proceeding as my exhibit No. 3.

[Senator Hatch's exhibit No. 3 follows:]

HATCH EXHIBIT #3

THE COURT: Alright, Mr. Beck, he's still under Oath. Speak as you know, loud enough, right, into the microphone.

Q Mr. Beck, I believe you testified that you're president of the Local 438 at the Missouri Portland Cement plant?

A Yes, I am.

Q And how long have you held that office?

A Approximately 4 years.

Q How long have you worked at the plant?

A 8

Q Eight years?

A Uh, huh.

Q The recently expired contract at the plant covered what groups, was there more than 1 facility?

A It covered the entire bargaining union.

Q Which was what?

A All the hourly employees. The union people.

Q Just at the Joppa location?

A Correct and Cave-In-Rock quarry.

Q How many people are at Cave-In-Rock quarry?

A Uh, 31.

Q And how many at the Joppa facility?

A 118, I think.

Q When did your last contract expire, Mr. Beck?

A May 1st, of this year.

Q Do you recall about when negotiations for a new contract started?

Q How often were you there?

A You see, I just live 2 miles from there. I came over there periodically for an hour or 2 then I'd go back home - just every so often. If they had any trouble, somebody would come and get me and I would try to come over and smooth things over and make it where we didn't have any trouble.

Q The picket line is up 24 hours a day, isn't it?

A Yes, it is.

Q You're not there 24 hours a day, are you?

A No.

Q How many hours a day on the average, are you actually physically present on the picket line?

A The first 3 days, or I'd say probably the first week, I was probably present 16 to 17 hours a day over there.

Q That's when the mass confusion was taking place?

A Yes.

Q Alright, how about the second week of the strike?

A I probably narrowed it down to about 12.

Q 12 hours a day?

A Correct. Every day.

Q How about the 3rd week of the strike?

A I tapered off.

Q How about the 3rd week of the strike - how far did you taper off?

A Maybe be there 8 - 10 hours a week.

The CHAIRMAN. In other words, since the third week of the strike, you have averaged under 1½ hours a day at the picket line. Would that be a fair comment?

Mr. BECK. It is probably more than that.

The CHAIRMAN. But not more than 8 or 10——

Mr. BECK. Trying to put a number on something, it is almost impossible to do.

The CHAIRMAN. How are you kept informed of what is going on out there at the picket line?

Mr. BECK. Like I say, I go out there every day.

The CHAIRMAN. But it is a limited time, 8 to 10 hours a week, according to your testimony.

Senator KENNEDY. Just as a point of inquiry——

Mr. BECK. I have got picket captains, and I have instructed these picket captains, if there is any problem whatsoever that they cannot handle, or if anyone gets rowdy, to send them home, and if they will not leave, then come to my house and get me and I will——

The CHAIRMAN. OK, so that is the way you keep track. So after the third week of the strike, basically, you, yourself, have had very little eyewitness information.

Mr. BECK. No, no. You are trying to bring something out of me that is not so, because we have a meeting every Monday night. They report to me. We know, I know what is going on.

The CHAIRMAN. I understand, but personally, you were not there most of the time. You didn't personally view most of the things that happened at the picket line after the third week. You received reports from the people who——

Mr. BECK. No; you are still trying to put words in my mouth.

The CHAIRMAN. No, I am not trying to.

Senator KENNEDY. Could I ask, just for my own information, are we distinguishing between being on picket line duty and visiting? Is this part of the problem, just in terms of my own understanding?

Mr. BECK. Right, that is what he is referring to.

Senator KENNEDY. So you have a certain number of hours where you have picket line duty, as I understand it.

Mr. BECK. Right. We cover it 24 hours a day, and I go out there periodically just——

Senator KENNEDY. And you do that periodically?

Mr. BECK. As time permits.

Senator KENNEDY. As time permits, and then——

The CHAIRMAN. Tell us how much time you do that periodically.

Senator KENNEDY. If I can just——

The CHAIRMAN. I happen to be——

Mr. BECK. There is no way you can put a number on what you are saying.

Senator KENNEDY. Well, it appeared that——

The CHAIRMAN. I am happy to have you interrupt me, but let me interrupt you if I want to get something——

Senator KENNEDY. Well, all we would like to do is get the answers. I thought you raised——

The CHAIRMAN. No; I want them, too.

Senator KENNEDY. All right. Well, can we find out? As I understand, you have a certain amount of time that you have picket line

duty, and then you have the other times that you go on out yourself and view the situation. Is that correct?

Mr. BECK. On the picket line duty, I don't walk the picket. All I do is go out and check, you know, make sure they've got supplies, this and that, for the building that we have, stuck in a ditch.

The CHAIRMAN. See, what I am relying on, Senator Kennedy, is in the court proceeding, he said he was out there—after the third week, he was out there 8 to 10 hours a week total.

Now, are you saying that you had picket line duty for 8 to 10 hours and then you went out there otherwise for other reasons, or was that about the time you spent out there?

Mr. BECK. No; it's the time I spent out there.

The CHAIRMAN. All I want to know is how much time a week did you spend?

Mr. BECK. Sometimes I go out there—Senator, there is no way I could tell you what you are saying and be accurate with it. Sometimes I go out there and play cards for 6, 7 hours at a time in one day. I may go out there the next day and stay there for an hour. The next day I may only go out there for 2 or 3 hours.

The CHAIRMAN. Well, then give us the best estimate you have. How much time each week would you spend out there?

Mr. BECK. Well, there is no way that you can pick it.

The CHAIRMAN. Then give us a range.

Mr. BECK. I mean, sometimes I go out there for 15 or 20 minutes a day to find out if everything is going OK.

The CHAIRMAN. OK. So what I am trying to say, all I am trying to establish is that when you are there, you have personal viewing of what is going on; when you are not there, you have to rely on what the other men on the line tell you.

Mr. BECK. Right, what the picket captains report to us.

The CHAIRMAN. OK, that is all I wanted to find out.

Senator SIMON. But, Mr. Chairman, if I may ask, I think the thrust by indirection of the chairman's questions is to suggest that you did not know what was going on.

The CHAIRMAN. He said he didn't. He said he didn't know of any of these incidents, and that is one thing I am establishing.

Senator SIMON. But then let me pursue it, if the chairman will yield further.

The CHAIRMAN. Sure, I will be glad to.

Senator SIMON. In fact, through your captains, you knew what was going on on the picket line. You were in fact in charge in a very real sense.

Mr. BECK. On the picket line, but we don't know all these incidents that you are alleging that have happened miles away from the plant.

Senator SIMON. Right.

Thank you, Mr. Chairman.

The CHAIRMAN. Now, the temporary restraining order that was entered on June 16, 1984, prohibited the union from blocking the plant gate and from having more than three picketers on the line. Is that right?

Mr. BECK. That is correct.

The CHAIRMAN. On June 30, a mob of 20 or more, or at least a group of 20 or more picketers, entered the company property, and they threw down nails, as I understand it. Are you aware of that?

Mr. BECK. None of our people were involved in it.

The CHAIRMAN. None of your people were involved?

Mr. BECK. No. They were all from different unions, I think.

The CHAIRMAN. Then who was it? It was another union that did that?

Mr. BECK. Yes.

The CHAIRMAN. Another union that was sympathetic to yours?

Mr. BECK. I suppose.

The CHAIRMAN. Were they from the International, or were they a totally separate union?

Mr. BECK. No; there was a different union, local union.

The CHAIRMAN. OK. Now, let's turn to the issue of property damage. Aside from Garold Blanchard, have any of your members attempted to destroy property which belonged to the Missouri-Portland people?

Mr. BECK. No.

The CHAIRMAN. Have any of your members attempted to destroy or damage property belonging to Delbert Sullivan's Commercial Transport, as he has alleged here in this very room?

Mr. BECK. No, sir.

The CHAIRMAN. In his testimony before the committee, Mr. Sullivan indicated that your members destroyed approximately $140,000 of his company's equipment. He told us that although his trucks can now enter the plant, he still gets flats routinely from nails thrown by picketers. This is his testimony under oath.

His trucks are hit with bottles, he claims. He has windshields knocked out. He has had four of his radiators shot by guns. He says your pickets always yell obscenities at his drivers. Are you familiar with any of those?

Mr. BECK. Senator, like I have told you or testified before, I only live about 2 miles from the area, and I go between Missouri-Portland and Commercial constantly, several times a day, and not once have I seen a flat tire.

The CHAIRMAN. Do you feel, then, that Mr. Sullivan misled the committee when he made those statements on February 27 of this year?

Mr. BECK. Mr. Sullivan has got a vivid imagination on a lot of things from what I have seen in the courtroom.

The CHAIRMAN. Mr. Sullivan told the committee that at one point the two of you had a talk in the presence of two police officers who he believed were Sam Dunning and Dwayne Weatherington. Let me just read to you what he said.

I asked the union president—we had a meeting. He came over and said that one of my scabs, as he called him, was making gestures at his people as he went through the gate to load, and I told him that I would remove him immediately from our employment, which I did, but in return, could he please have them not put nails under our steering tires due to the fact that the weight of those trucks, if a steering tire should blow at 50 miles an hour, the chances of the driver living are very slim. They could go on the wrong side of the road and wipe out a whole school bus, as far as that goes.

The very next truck that came back from the picket had two of those, one in each steering tire, and that was my answer from the union, is the way that I felt about it.

Now, Mr. Beck, is that a correct summary of your conversation?

Mr. BECK. I don't know anything about the nails, but I do know that when he made the statement that he got rid of the driver, he didn't, because the driver did drive that very afternoon, and the driver was making actions towards our people, trying to run over them, and he was giving them the finger, and he was cussing and carrying on, and that is the reason I went to the State police to go down there and get the man removed.

The CHAIRMAN. But do you remember——

Mr. BECK. But he did not remove the driver.

The CHAIRMAN. But do you remember him raising——

Mr. BECK. I went to the police; Delbert Sullivan didn't.

The CHAIRMAN. I understand. Do you remember his raising these other issues about nails in the steering tires?

Mr. BECK. Not really.

The CHAIRMAN. Well, by "not really," what does that mean?

Mr. BECK. No; I don't remember.

The CHAIRMAN. You don't remember him raising——

Mr. BECK. I don't remember what he is alleging.

The CHAIRMAN. I guess you have to feel, then, that Mr. Sullivan lied to the committee when he made these statements.

Mr. BECK. Yes, sir, I believe that.

Senator KENNEDY. Could I ask just a question of the Chair?

The CHAIRMAN. Sure.

Senator KENENDY. Are we going to hear from the State police this morning?

The CHAIRMAN. Oh, sure; we are just about through here.

Senator KENNEDY. As I understand it, we have the traditional caucuses at noon of both parties which we have on Tuesday. I just wondered whether we were going to have a chance to hear the State police.

The CHAIRMAN. I hope we can. If I can finish, we certainly will, but this is important, and we will try to get through.

Mr. Beck, are you a member of the State police or affiliated with some law enforcement authority in the State of Illinois in any way, shape or from?

Mr. BECK. No.

The CHAIRMAN. On June 15 and June 16, according to what we have heard, striking employees led by you and Roger Barnhill blocked trucks from entering the plant at Joppa.

On June 16, we understand you demanded to search one truck, and the police acceded to your demands.

Mr. BECK. Wrong.

The CHAIRMAN. Tell me what happened.

Mr. BECK. We had several people out there the first couple of days. They were milling around, and there wasn't any violence or what they were trying to allege.

This truck driver pulled up, and I told him we were on strike and we would hope that he would honor our picket line, and he said, "Well, I've got to take these beds in there. If you would like,

I'll let you go back in the back of my truck and look to see what I've got inside."

The State police were standing right there, and they said OK. The driver said OK. We went back to the back of the truck, we looked inside the truck, and there was no other problem.

Then you've got Mr. Pugh that comes in, and the driver went on in the plant, and he came on out of the plant. To my knowledge, there wasn't any problem whatsoever. Mr. Pugh is the one who came in and made the statement that we forced, but we didn't.

The CHAIRMAN. How many striking pickets were there at the time? According to him, there were like 20 or 30. Is that about right?

Mr. BECK. It is probably right.

The CHAIRMAN. Why would you want to look inside the truck, Mr. Beck?

Mr. BECK. He offered it.

The CHAIRMAN. He offered it?

Mr. BECK. A lot of our people were worried about these strike replacements coming in, but they were flying them in by helicopter; they weren't bringing them in by trucks.

The CHAIRMAN. As I understand it, the company did get a court injunction that prohibited you, personally, among others, from continuing to deny public access to the plant. Is that correct?

Mr. BECK. It runs against union officers and all the members.

The CHAIRMAN. Mr. Beck, is John McQuan a member of your union?

Mr. BECK. Yes; he is.

The CHAIRMAN. Was he on picket line duty on October 16, 1984?

Mr. BECK. I couldn't tell you.

The CHAIRMAN. Do you know a Bruce Snyder?

Mr. BECK. I have met him.

The CHAIRMAN. You went to school with him, didn't you, you and your brothers?

Mr. BECK. No; I didn't. No.

The CHAIRMAN. You didn't? OK.

Let's show this next videotape that we have. Now, this is Mr. Snyder. I want to know if you recognize him when he comes on the tape.

[Videotape shown.]

Senator KENNEDY. What is that scene we have just seen, Mr. Chairman? [Laughter.]

The CHAIRMAN. This is Mr. Snyder, as I understand it. He was deposed on February 15, 1985, about this particular incident. Let me just include a copy of the deposition in the record at this point. We will call it Hatch exhibit No. 4.

[Senator Hatch's exhibit No. 4 follows:]

HATCH EXHIBIT #4

IN THE CIRCUIT COURT
FOR THE FIRST JUDICIAL CIRCUIT OF ILLINOIS
MASSAC COUNTY, METROPOLIS, ILLINOIS

MISSOURI PORTLAND CEMENT COMPANY,

Plaintiff,

VS. NO. 84-L-16

UNITED CEMENT, LIME, GYPSUM &
ALLIED WORKERS INTERNATIONAL UNION,
DIVISION OF BOILERMAKERS, AFL-CIO, et al,

Defendants

DEPOSITION OF BRUCE SNYDER

The following is the true and complete transcript of the deposition of Bruce Snyder taken on the 15th day of February, 1985 at the hour of Eleven (11:00 a.m.) O'Clock, at the law offices of Neely & Neely, Metropolis, Illinois, pursuant

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Prepared by: Elizabeth Lindsey Hausman
Freelance Court Reporter
407 North 12th
Murray, KY 42071
(502) 753-4344

to notice, for the purposes of discovery and/or any or all purposes permitted by the Rules of Civil Procedure.

In appearance for the Plaintiff Missouri Portland Cement Company was Honorable Michael Mitchell and Honorable Joseph Neely.

In appearance for the deponent, Bruce Snyder, was Honorable Richard Kruger.

Also in attendance was Mr. Rodger Barnhill and Mr. David Beck.

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DEPOSITION OF BRUCE SNYDER

The following constitutes the complete and correct transcript of the deposition of Bruce Snyder taken at the time and place noticed in the caption.

After being duly sworn to tell the truth, the witness testified as follows:

DIRECT EXAMINATION BY HONORABLE MICHAEL MITCHELL:

Q. For the record, would you please state your name?

A. Bruce Snyder.

Q. And where do you live, Mr. Snyder?

A. Joppa, Illinois.

Q. Where, exactly, do you live?

A. I live in a housing project.

Q. Do you have a mailing address?
A. General Delivery.
Q. Do you have a telephone?
A. No, sir.
Q. How long have you lived there?
A. About a year.
Q. For the record, Mr. Snyder, how tall are you?
A. Six (6')foot.
Q. And how much do you weigh?
A. A hundred and seventy-five (175 lbs.)
Q. And what color is your hair?
A. Brown.
Q. What kind of a car do you drive?
A. Right now, I'm driving a, it's an '81 El Camino.
Q. How long have you been driving that car?
A. Oh, three (3) months.
Q. Did you have a different car before that?
A. Yes, I had to have another car.
Q. And what was that?
A. A '64 Belaire.

REPORTER:

What was that?

THE WITNESS:

A Belaire.

REPORTER:

Oh, okay. Thank you.

MR. MITCHELL:

Q. What color was it?

THE WITNESS:

A. I guess you'd call it brown.

Q. Do you know a person named Hucky Johnson?

A. No, sir.

REPORTER:

Hucky?

MR. MITCHELL:

"Hucky", H-U-C-K-Y Johnson.

Q. Do you know a person by the name of Kent Sommer?

THE WITNESS:

A. Yes, sir.

Q. Who is Kent Sommer?

A. He's a fellow I went to school with.

Q. How long have you known him?

A. Life.

Q. You know a person by the name of Paul

Little?

A. Yes, sir.

Q. Who is he?

A. He's the father of a guy I went to school with.

Q. How long have you known him?

A. Life, I would say.

Q. Do you know a person by the name of Buddy Snell?

A. Yes, sir.

Q. Who is he?

A. He's the father of some friends I went to school with.

Q. And how long have you known him?

A. The same as the both.

Q. How about John McCuan?

A. Yes, sir.

Q. Who is John McCuan?

A. He's a friend of my mother's.

Q. How long have you known him?

A. Life.

Q. How about Kenny Kerr?

A. Yes, sir.

Q. Who is Kenny Kerr?

A. He runs the local store in Joppa,

Illinois.

Q. How long have you known him?

A. Maybe a year.

Q. James Anderson? Do you know a James Anderson?

A. If you're talking about the one commonly referred to as "John Henry", yes, I do.

Q. How long have you known him?

A. Oh, three (3) or four (4) years.

Q. Do you know a man by the name of Garold Blanchard?

A. Yes, sir.

Q. Who is he?

A. He's a friend of my mother's and father's.

Q. How long have you known Mr. Blanchard?

A. Oh, ten (10) years.

Q. A person by the name of David Goins?

A. No, sir.

Q. Do you know Mr. David Beck?

A. Yes, sir.

Q. How long have you known Mr. Beck?

A. Oh, ... I went to school with his brothers and ... I guess ten (10) years.

Q. Do you know Mr. Jess Kester?

A. Yes, sir.

Q. Who is Jess Kester?

A. He's a personal friend.

Q. How long have you known Mr. Kester?

A. Oh, maybe a year.

Q. Do you know Mr. Rodger Barnhill?

A. Yes, sir.

Q. How long have you known Mr. Barnhill?

A. Oh, I don't know, five (5) or six (6) years, maybe a little more. I'm not sure.

Q. Do you know a person by the name of Randy Fogle?

A. No, sir.

Q. Alright, you know that there was a strike at Missouri Portland Cement Company this summer, I presume?

A. Yes.

Q. How many times did you go out by the picket lines?

A. Oh, I'd say I've been out there, maybe, three (3) times.

Q. What occasions?

A. Oh, once I took food out there for my mother. She wasn't feeling good -- we had a food bank for the strikers out there. And once a couple of other times, I drove by there and stopped

and maybe chatted with a friend or something.

Q. Your mother was out at the ...?

A. No, she was at home. She wasn't feeling well and I run the food out there for her.

Q. Oh, on her behalf?

A. Yes, sir.

Q. When was that?

A. I couldn't give you no exact dates. Sometime last summer.

Q. Can you give me a month?

A. Not really. It just ... wasn't nothing special, to write it down.

Q. Alright, what were the other occasions that you were out there?

A. Oh, just, it was the road I took on the way home for a while there. I might would have stopped and see a friend there, stop and talk to them.

Q. About how many times did you do that?

A. Well, I think I stopped three (3) times altogether, including the time I stopped and took the food.

Q. How long would you stay when you would go out there and stop and talk to your friends?

A. Oh, maybe five (5) minutes. Just long

enough to chat.

Q. Was one of those occasions on or around October 16th?

A. I couldn't tell you.

Q. Do you recall being out there on October 16th?

A. No, sir.

Q. Do you recall being out there around One-thirty (1:30 p.m.) in the morning and breaking a windshield?

MR. KRUGER:

I would object to the question on the grounds that it may incriminate my client--the Fifth Amendment.

MR. MITCHELL:

Ah, this is not a criminal proceeding. This is a civil proceeding. Your objection is noted for the record. The question stands. If you'd like to instruct your client not to answer, that's your perogative.

MR. KRUGER:

I would instruct my client not to answer.

MR. MITCHELL:

Q. Do you recall driving your car out to the picket line, getting out of your car and talking to John McCuan?

THE WITNESS:

A. No, sir.

Q. Mr. Snyder, I am going to show you a video tape. I am going to ask you to look at the tape...

MR. KRUGER:

I'm going to object. The video tape has not been marked as an exhibit. I would ask that it be marked prior to having any questions marked on it -- I mean, asked regarding it.

MR. MITCHELL:

I would like the court reporter to mark this as Exhibit No. 1.

REPORTER:

Okay. I can do it later, that's okay.

MR. MITCHELL:

Alright.

MR. KRUGER:

I'd just as soon it be marked now.

REPORTER:

Oh, okay. That's fine.

(Introduction and marking of Plaintiff's Exhibit No. 1, video tape cassette, marked Exhibit 1 and later taped closed and signed by reporter prior to filing.)

(Exhibit 1, video tape, played at this time.)

MR. MITCHELL:

Q. Mr. Snyder, I have just shown you a very brief portion of the tape. Did you recognize yourself in that tape?

MR. KRUGER:

I would object to the question, because there's no record to show how many minutes were shown, or anything, or what portion of the tape, unless it's better identified, I would object to the question.

MR. MITCHELL:

Your objection is noted.

Q. Mr. Snyder, did you recognize yourself

on tape?

MR. KRUGER:

I am going to instruct my client -- until the question is clarified -- not to answer the question.

MR. MITCHELL:

The question is clear. The question is, ...

MR. KRUGER:

The question is not clear.

MR. MITCHELL:

Q. ...the question is, did you see yourself on the tape?

MR.KRUGER:

How many minutes were played, Mr. Mitchell? You haven't qualified it. I don't want to have my client answer a vague question. The question was not ...

MR. MITCHELL:

Can we stipulate that it was about fifteen (15) seconds of tape?

MR. KRUGER:

Okay. The first fifteen (15) seconds of the tape?

MR. MITCHELL:

Right, the first fifteen (15) seconds of the tape that you just saw -- did you recognize yourself on that tape?

THE WITNESS:

A. No, sir. It was too fuzzy.

Q. Would you like to see it again?

A. Yes.

(Exhibit No.1, video tape cassette, was played again at this time.)

MR. MITCHELL:

Q. Okay...

MR. KRUGER:

I'm going to object. That's not the same tape that we saw before.

MR. MITCHELL:

That's exactly the same tape, Mr. Kruger. I'm going to back the tape up, over again...

THE WITNESS:

A. It didn't seem like the same...

(Exhibit No. 1, video tape cassette, is played again at this time.)

MR. MITCHELL:

For the record, the video tape is now showing at the bottom of the screen, ... A.M. One-thirty-nine (1:39 a.m.), Ten-Sixteen-Eighty-four (10-16-84).

Again, for the record, the numbers at the bottom of the screen changed from One-thirty-nine (1:39) to One-forty (1:40) during the viewing of the video tape.

Mr. Snyder, I'm going to back up the tape one more time and allow you to see it one more time.

(Exhibit No. 1, video tape cassette, is played again at this time.)

MR. MITCHELL:

Q. Mr. Snyder, I have now shown you three (3) times, a tape with numerals at the bottom that said Ten-Sixteen-Eighty-four (10-16-84) and

A.M. One-thirty-nine (1:39) and A.M. One-forty (1:40). Did you get a good look at the tape?

THE WITNESS:

A. (No audible response. Shook head, indicating negatively.)

Q. Did you recognize yourself?

MR. KRUGER:

You're going to have to answer out loud, where she can hear you.

THE WITNESS:

A. Oh, no. No.

MR. MITCHELL:

Q. Do you deny that that was you that broke the windshield on the tape?

MR. KRUGER:

I would object. If he says that he didn't recognize himself on the tape, then how in the world can he say that it was him on the tape?

MR. MITCHELL:

Well, it's very possible that he did it and didn't recognize himself on the tape.

Q. Let me ask you directly, Mr. Snyder, did you or did you not break a windshield at the

Missouri Portland front gate on 10-16-84?

MR. KRUGER:

I would object again on the grounds that it might incriminate my client, and would instruct my client not to answer the question.

MR. MITCHELL:

Q. You started to say something, Mr. Snyder, before your ... ah, before you were interrupted?

THE WITNESS:

A. I was wanting to consult with my lawyer privately.

Q. Alright. Let's go off the record.

(Off the record discussion.)

MR. MITCHELL:

Q. Mr. Snyder, you've had a few moments to consult with your counsel. Ah, I will ask you again to answer the question, did you or did you not break a windshield on October the 16th, 1984?

MR. KRUGER:

I would object to the question on the basis of incrimination, Fifth Amendment, and instruct my client not to answer.

MR. MITCHELL:

Q. Mr. Snyder, were you aware of the fact that in June of this year, a power line was shot down, a power line leading into Missouri Portland Cement plant?

THE WITNESS:

A. No, sir.

Q. Were you aware that on July the 5th, a bus carrying security guards was shot at on the open road?

A. No, sir.

Q. Were you aware of the fact that on July 10th of this year, that there was vandalism at Lauderdale's Floor Shop, in that a rock or a brick was thrown through the front window of that store? Did you know that?

A. No, sir.

Q. Are you aware of the fact that on July the 24th, 1984, Mr.Delbert Sullivan's house was shot into?

MR. KRUGER:

I would pose an objection here. I don't think the question is clear. Some of these have been reported in the paper. Are you asking if he knows about them now or did

he know about them at the time?

MR. MITCHELL:

Q. I'm asking if he has any awareness of the incidents. However he got them is not the question.

MR. KRUGER:

If you read about them, Bruce, or if you don't, just answer the question the best you can.

THE WITNESS:

A. Ah, my mother said something about, she'd read or heard that Delbert's house had been shot at.

MR. MITCHELL:

Q. Is that the only knowledge that you have of that incident?

A. Yes, sir.

Q. Do you have any independent knowledge of any of the other incidents that I just mentioned?

A. No, sir.

MR. KRUGER:

By "independent", what do you mean? Other than what he was reading in the paper?

MR. MITCHELL:

Other than what was reported to him by

someone else.

MR. KRUGER:

Okay.

MR. MITCHELL:

Q. Were you aware, by any means, that on July 25th, Mr. Wade Parker's car was shot at?

THE WITNESS:

A. I think I, I remember about some car being shot at -- they had it on the news.

Q. Do you know who Wade Parker is?

A. No, sir.

Q. On July 28th, 1984, there was vandalism at Missouri Portland Cement Company, in that a forklift was vandalized. Do you have any knowledge of that at all?

A. No.

Q. Were you aware of that fact?

A. No, sir.

Q. Do you know somebody by the name of Billy Burton?

A. No, sir.

Q. On October the 24th, 1984, there was further vandalism at Missouri Portland Cement, in that a conveyor belt was cut. Did you have anything to do with that?

A. No, sir.

Q. Do you know someone by the name of William Scheerbaum?

A. No, sir.

Q. Do you know someone by the name of Kenny Hutchens?

A. No, sir.

Q. On December the 25th, an employee of Missouri Portland was beaten up by five (5) people. Do you have any knowledge of that incident?

A. No, sir.

Q. Do you know anyone that was involved in that?

A. No, sir.

Q. Do you know someone by the name of Rick Kotter?

A. No, sir.

Q. Do you know someone by the name of Lindell May?

A. I've heard the name, but I can't place him. I can't put a face to him.

Q. Have you ever made any threatening, anonymous or obscene phone calls to Mr. May or Mr. Kotter?

A. No, sir.

Q. Referring back to the portion of the video tape that you saw, did you recognize anyone in the picture?

A. No, sir.

Q. There was a picket walking on the picket line. Do you know who that was?

A. No, the picture was too distorted. I couldn't really tell.

Q. You couldn't tell who that was?

A. No, sir.

Q. You do know Mr. John McCuan, though?

A. Yes, sir.

Q. Do you recall ever going to the picket line on any date and talking to Mr. John McCuan?

A. No, I usually would talk to everyone when I went down there, so I wouldn't know.

Q. Who all would you talk to?

A. Just everybody I knew. I'd grew up with them.

Q. For example? Specifically?

A. Mr. Beck or Mr. Barnhill.

Q. Who else?

A. Oh, just anybody that was down there. I'd have to have a list of everybody's name, and I could go down through there and I could tell

you all them.

Q. Well, I, I read several names to you at the beginning of the deposition and you said you recognized most of those names. Did you ever talk to any of them?

A. Oh ...

MR. KRUGER:

Which names? Please be more specific.

MR MITCHELL:

Q. For example, did you ever talk to Mr. Kent Sommer when you were out there?

THE WITNESS:

A. No, sir, I've never seen him out on the picket.

Q. Mr. Paul Little?

A. No, sir.

Q. Mr. Buddy Snell?

A. No, sir.

Q. Mr. John McCuan?

A. I might have a time or two (2).

Q. Mr. Kenny Kerr?

A. I've not ever talked to him on the picket line.

Q. Mr. John Henry Anderson?

A. No, I never did talk to him either.

Q. Mr. Garold Blanchard?

A. Yes, sir, I've talked to him on the picket line.

Q. Mr. David Beck?

A. Yes, sir.

Q. Mr. Jess Kester?

A. Yes, I think I have talked to Mr. Kester out on the picket line.

Q. Mr. Rodger Barnhill?

A. Yes, sir.

Q. Off the record just a minute, please.

(Off the record discussion.)

MR. MITCHELL:

Q. Back on the record.

MR. KRUGER:

Mr. Mitchell, I would like to clarify something. We were talking in here, and a name came up, Hucky Johnson. If Hucky Johnson is Marvin Johnson's son, then...

THE WITNESS:

Then I recognize him.

MR. KRUGER:

Then he recognizes him. But he doesn't

recognize him as "Hucky".

THE WITNESS:

That's a nickname. His real name is Charles.

MR. MITCHELL:

Okay.

Q. Mr. Snyder, where are you employed?

A. Beamer Handle Company, Barlow, Kentucky.

REPORTER:

Handle company?

THE WITNESS:

A. Yes, ma'am.

MR. MITCHELL:

Q. Were you employed there in October of last year?

A. I would say yes.

Q. Were you working there on October 16th?

A. If that was a working day, I would have been.

Q. What's your job there?

A. I'm a sawyer.

REPORTER:

A what?

THE WITNESS:

A. Sawyer.

MR. MITCHELL:

Q. What's your regular shift?

A. Seven (7) to five (5).

Q. Do you work straight days? That's Seven A.M. (7:00 a.m.) to Five P.M. (5:00 p.m.), I presume?

A. Yes.

Q. Do you work straight days, or do you...?

A. Yes.

Q. Do you recall whether you worked on October the 16th, 1984?

A. I would have to look at my check stubs and check at work. I couldn't recall, that's been too long ago.

Q. Do you know what you did on October the 16th, 1984?

A. No.

Q. You don't recall whether you went to work or not?

A. Like I said, I'd have to check with the records at work and all. I could have been sick, it could have been anything.

Q. But you do work straight days normally, when you work?

A. Yes, sir.

Q. No further questions. Do you have any questions?

MR. KRUGER:

No.

MR. MITCHELL:

That's all then. Thank you.

* * * * * * * *

FURTHER THE WITNESS SAYETH NAUGHT.

* * * * * * * *

STATE OF KENTUCKY... Sct.

I, Elizabeth Lindsey Hausman, the undersigned Notary Public for the State of Kentucky at Large, do hereby certify that the foregoing pages constitute the complete and correct transcript of the deposition of Bruce Snyder, which was taken before me at the time and the place and for the purposes set forth in the caption; that said deposition was taken down by me in shorthand and further recorded by means of a cassette recorder and therefrom transcribed by me as appears; that a request was made of me, by Mr. Michael Mitchell, that the foregoing deposition be read and signed by said deponent, for which purpose a Certification is hereto attached. Further, that said witness was first by me duly sworn to tell the truth before testifying; that I am not related to or employed by any party or counsel

for any party hereto and have no direct or indirect interest in the outcome of this litigation.

Given under my hand this the 16th day of February, 1985.

My commission expires August 12, 1987.

Elizabeth Lindsey Hausman

Elizabeth Lindsey Hausman
Notary Public, State at Large
Freelance Court Reporter

CERTIFICATION

I, Bruce Snyder, deponent and witness herein, hereby certify that I have read the foregoing transcript of my deposition taken on February 15, 1985 at the hour of 11:00 a.m. at the offices of Neely & Neely, in Metropolis, Illinois, and further certify that it is true and correct, except for any of the following exceptions:

1. _____

_____

_____.

2. _____

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3. _____

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4. _____

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5. _____

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BRUCE SNYDER, witness

STATE OF ILLINOIS

COUNTY OF MASSAC

SUBSCRIBED AND SWORN to and acknowledged before me by Bruce Snyder, deponent herein, on this _____ day of February, 1985.

My commission expires:_____.

_____
NOTARY PUBLIC

The CHAIRMAN. Let me just read from it. On page 16, it reads:

Mr. MITCHELL. Mr. Snyder, you've had a few moments to consult with counsel. I will ask you here to answer the question. Did you or did you not break a windshield on October 16, 1984?

Mr. Kruger, who was Mr. Snyder's counsel at the time, responded, "I would object to the question on the basis of incrimination, fifth amendment, and instruct my client not to answer."

Do you know anything about that incident?

Mr. BECK. I sat in the deposition because we were the party involved.

The CHAIRMAN. Do you know if Mr. Snyder did that?

Mr. BECK. No; not to my knowledge.

The CHAIRMAN. You don't think he did?

Mr. BECK. He is not a member of local 438.

The CHAIRMAN. OK.

Senator KENNEDY. Can I ask again what we just saw?

Mr. BECK. That is what the deposition—I din't really know, either. You would have to ask Mr. Mitchell. He handled it.

Senator KENNEDY. No; but I mean, can we——

The CHAIRMAN. Is Mitchell here?

Senator KENNEDY. Can someone, can staff tell us what just appeared on videotape?

The CHAIRMAN. Let's ask Mr. Mitchell. Mr. Mitchell, are you here?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. What did that represent?

Mr. MITCHELL. That was a videotape taken by our security guards at the front gate. What you saw was a person running into the plant property itself through the picket line carrying a jack handle or a tire tool, and he smashes the window. The sound you hear is the window being smashed.

Senator KENNEDY. Can we ask you to play it again?

The CHAIRMAN. Sure.

Senator KENNEDY. It sounds—it seemed like he was running, and then the sounds came after. Can I just ask that we run it again?

The CHAIRMAN. Why would the sounds come after? He is running, you say? Describe to us what has happened here.

Mr. MITCHELL. I am not sure what sound you are referring to.

Senator KENNEDY. Maybe you could just annotate it for us.

The CHAIRMAN. Sure, just tell us——

Senator KENNEDY. Tell us what this supposedly alleges, just so that we have some idea.

The CHAIRMAN. While he is getting that, as I understand it, Mr. Snyder is not a member of your union. Is that right, Mr. Beck?

Mr. BECK. No.

The CHAIRMAN. He is not a member of your union?

Mr. BECK. No; he is not.

The CHAIRMAN. Now, is this Mr. Snyder?

Mr. MITCHELL. He has been identified as Mr. Snyder.

Senator KENNEDY. Who has identified him?

The CHAIRMAN. Who identified him?

Mr. MITCHELL. Delbert Sullivan. [Laughter.]

The CHAIRMAN. All right. Let's see it.

[Videotape shown.]

Senator KENNEDY. This isn't the same one.

The CHAIRMAN. We are back too far now. Is that the plant——

Senator KENNEDY. This is the fellow that is——

Mr. MITCHELL. Yes; you are looking from inside the plant at the outside of the plant.

Senator KENNEDY. OK. Now, is this when he is breaking the windows, now?

Mr. MITCHELL. No.

Senator KENNEDY. Has he broken them yet?

Mr. MITCHELL. No.

Senator KENNEDY. Are they about to be broken?

Mr. MITCHELL. No; just a second. [Laughter.]

Mr. SOUDERS. He is not carrying anything, either.

Senator KENNEDY. And you want us to believe that the fellow that ran by broke those windows? Is that what we are supposed to believe?

Mr. MITCHELL. Yes, sir. That is what you are supposed to believe. [Laughter.]

The CHAIRMAN. All right, now——

Senator KENNEDY. Mr. Chairman, I don't know who is selecting these tapes, but, I mean, I think this——

The CHAIRMAN. My purpose is to ask if he knew Mr. Snyder, if Mr. Snyder——

Senator KENNEDY. No; but I mean, we allegedly had shown on tape that——

Mr. BECK. I knew of him.

The CHAIRMAN. All I can do is find out whether you know about this. That is all I am trying to do.

Mr. BECK. You know just about as much about that as I do.

Senator SIMON. Mr. Chairman?

The CHAIRMAN. OK, so you are saying Mr. Snyder was not a member of your union?

Senator SIMON. Mr. Chairman?

The CHAIRMAN. Yes?

Senator SIMON. Before we proceed, I think it would be worthwhile, if we are going to have tapes or partial tapes, I think it would be worthwhile for our committee staff to see the whole tape, not just some 20-second segment of a tape that comes along.

The CHAIRMAN. Yes.

Senator SIMON. I would request that we ask to see the whole tape and not just some——

The CHAIRMAN. Well, there is about 2 hours of it, and we will make that available. We will make that all available to you.

Senator SIMON. If we can make that available to the staff——

The CHAIRMAN. And we have offered it, by the way, to the minority in this matter. But we will make that complete tape available.

Senator KENNEDY. Is this a Nuckols tape?

The CHAIRMAN. Not that I know of.

Mr. BECK. I am not positive.

Senator KENNEDY. Well, who——

The CHAIRMAN. Do you know, counsel?

Mr. MITCHELL. It was by our security guards at the time, and I don't believe Nuckols were our security guards at the time. I really don't recall.

The CHAIRMAN. Could you check into it and let us know?

Mr. MITCHELL. Yes.

Senator KENNEDY. So you don't know who took the tape, and you don't know who exactly was in it?

Mr. MITCHELL. No; that is not what I said.

Senator KENNEDY. Then tell us who took the tape.

Mr. MITCHELL. Do you want the gentleman's name?

Senator KENNEDY. Yes.

Mr. MITCHELL. I can find that out for you.

Senator KENNEDY. But you don't know now?

Mr. MITCHELL. No; I don't know now.

Senator KENNEDY. We are before this hearing, and we are seeing it here, and you are alleging about who is in it. You still don't know who took it?

Mr. MITCHELL. That is correct.

Senator KENNEDY. What were we supposed to have seen in that?

Mr. MITCHELL. Well, once again, Senator, you were supposed to have seen somebody running through the picket line——

Senator KENNEDY. You are not suggesting that fellow broke the——

Mr. MITCHELL [continuing]. And running and smashing a windshield of a van with some kind of an instrument that look like a tire iron.

The CHAIRMAN. But you admit that Mr. Snyder is not a member of the union.

Mr. MITCHELL. Correct.

The CHAIRMAN. So he would not have any responsibility for what Mr. Snyder did, as a union leader?

Mr. MITCHELL. Well, sir, the fact is, we asked the union if they could help us in identifying Mr. Snyder. We asked Mr. Beck in writing if he had any information on that, especially based on the fact that Mr. Snyder stood for a few minutes and talked to a picketer, and we got no reply.

The CHAIRMAN. Mr. Beck, how long have you been with the union?

Mr. BECK. Going on 9 years.

The CHAIRMAN. Were you aware that in 1973, Local 438 went out on strike against Missouri-Portland?

Mr. BECK. Yes; it was before my time.

The CHAIRMAN. I think that strike lasted, what, about 40 days?

Mr. BECK. It was before my time. I wasn't employed there.

The CHAIRMAN. You weren't aware of that?

Mr. BECK. No.

The CHAIRMAN. Were you aware, or have you heard since, that during that particular strike, there were allegations that there were so many nails and so much broken glass spread around the main gate that the salaried employees could not enter or exit the plant at that particular time?

Mr. BECK. No, no; I haven't heard any——

The CHAIRMAN. OK. Would you check into that and see if that is true?

Mr. BECK. Sure will.

The CHAIRMAN. Are you aware of it, counsel?

Mr. SOUDERS. No, sir, Your Honor. Until this moment, we had not heard that.

The CHAIRMAN. Did you represent the union at the time?

Mr. SOUDERS. No, sir.

The CHAIRMAN. Were you aware that union members in 1973—there were allegations to this effect—tried to stop cars entering or exiting the plant, and tried to inspe ct them as it was alleged you did in this one incident where you say that the driver offered to let you go into the back of the truck?

Mr. BECK. No, I don't know where this information is coming from, where you are——

The CHAIRMAN. Well, let me enter the David Young affidavit—

Senator KENNEDY. Was this 1973?

The CHAIRMAN. That is right—which states that they did.

Senator KENNEDY. This is 1985.

The CHAIRMAN. We will enter that as Hatch exhibit No. 5.

[Senator Hatch's exhibit No. 5 follows:]

HATCH EXHIBIT #5

A F F I D A V I T

STATE OF ILLINOIS,)
) SS
COUNTY OF MASSAC.)

FILED IN THE COUNTY COURT
MAY 15 1973
CLERK OF THE COUNTY COURT
MASSAC COUNTY, ILLINOIS

Donald R. Young being first duly sworn states as follows:

1. That he is now and has been since long prior to May 1, 1973 Plant Manager of the Joppa plant of the Missouri Portland Cement Division of the Missouri Portland Cement Company.

2. That the Union men employed at said plant are members of United Cement, Lime and Gypsum Workers Local Union 438, Joppa, Illinois.

3. That the members of said Union have been on strike since 4:00 P.M. May 7, 1973.

4. That since the commencement of said strike members of said Union have maintained pickets at the entrance to the said Joppa plant from County Road No. 4 at a point where it turns from an East-West direction to a North-South direction.

5. That the said Joppa plant is serviced by rail by the C&EI Railroad Company whose track enters the said Joppa Plant property from the East side of the said property at a point just South of the said County Road No. 4 and approximately 1/2 mile East of the main gate referred to above.

6. That coal is vital in the operation of the said plant and is delivered exclusively by rail over the said C&EI tracks.

7. That all supervisory personnel at said plant, including your affiant, enter and leave the plant by car through the said main gate described hereinabove.

8. That commencing on the afternoon of May 10, 1973 Union members refused to allow C&EI train, which included loaded hopper cars of coal to pull into the said plant and leave the said loaded hopper cars.

9. That on the evening of May 10, 1973 your affiant when attempting to leave the said main gate in a Company car while

accompanied by Charles Vance, a Maintenance Foreman, was stopped by Kenneth Kerr and Howard Mitchell both of whom told your affiant that he would have to open his car trunk for inspection, that all vehicles entering or leaving the said plant would be inspected or would not be allowed to enter or leave and that Union members had the right to make such searches; that Howard Mitchell stood in front of the car so it could not move; that your affiant refused to allow such a search at which point the said Union members inquired as to why Vance was leaving and was told that he was being taken to the hospital, stepped out of the way and allowed Vance to drive the Company car on through the picket line at which point your affiant walked back to the plant.

10. That on the afternoon of May 11, 1973 your affiant, accompanied by Charles Vance, attempted to enter the plant, was stopped by a group of Union members, including Al Finney who told your affiant to open the car trunk and when this was refused stated that he had a right to see what was being carried; that when your affiant stated "let me through" he was told by Al Finney that the only way he could get through was to open the trunk of his car or walk through, that his going in and out was causing bad feelings; that your affiant again requested entry three times but was refused at which time he left; that he returned at 5:00 P.M. after Sheriff Mizell and Attorney Robert Neely had been to the main gate and had had a discussion with some of the Union members, at which time he was stopped by Jack Mizell who asked to look in the trunk of his car but when your affiant refused and asked "are you going to let me through?" replied "Yes" than stepped out of the way.

11. That on the afternoon of May 12, 1973 a C&OI train arrived just outside the plant property and that Union members once more attempted to bar the train from entering on to said plant property but that the train was finally able to pull into plant property and leave 25 loaded coal hopper cars through the intervention of Special Agents of the Railroad and Sheriff's personnel.

12. That shortly after noon on May 13, 1973 as your affiant was leaving the said plant through the said main gate he found the gate blocked by three vehicles except an area just wide enough to permit a vehicle to pass through: that said narrow area was blocked by a log and a lawn chair which your affiant had to remove and that Dennis Anderson stood in front of his car blocking it temporarily but moving on request.

13. That your affiant returned to the said main entrance just before 3:00 P.M. on May 13, 1973 at which time Howard Mitchell, Dennis Anderson and Sam Fitzpatrick were present and at which time he found three vehicles still blocking the main entrance except for a space just wide enough to permit one vehicle to pass; that Dennis Anderson was standing in the opening which forced your affiant to stop, at which time Howard Mitchell asked to look in the trunk of the car and said it was o.k. for me to go into the plant but that I "couldn't haul anyone in the trunk." I told him that I had nothing in the trunk and asked him several times to move to which he didn't reply; that Anderson finally motioned toward the field West of the gate and said I could go in that way.

14. That shortly after 7:00 P.M. on May 13, 1973 your affiant returned to the said main gate at which time he was stopped by Bob King; that Paul Little asked your affiant to open his car trunk but on being refused allowed your affiant to drive into the plant area; that a Deputy Sheriff of Massac County arrived at the said main gate just before your affiant was allowed to enter.

15. That the C&EI Railroad Company will be delivering another shipment of coal on May 16, 1973.

16. That the steady supply of coal is vital to the proper operation of this said plant and the production of its product, cement.

17. That an additional supply of coal must be stockpiled because of the miners' vacation which will commence in June of 1973.

[illegible] Young

Subscribed and sworn to before me this 15th day of May, 1973.

Catherine S. King
Notary Public.

Mr. SOUDERS. Senator Hatch, I do believe, also, that when they went in for an injunction in 1984, that had they had some precedent of that type, that surely they would have explained to the judge about that, and not a word came out at that injunction hearing about any prior instances.

The CHAIRMAN. I see. Let me also enter into the record at this time two letters to you, Mr. Beck, both from Missouri-Portland Cement Co., one dated October 2, 1984, and another dated October 9, 1984, with complaints stated in the letters for you to investigate as part of your union.

The October 2 letter will be Hatch exhibit No. 6, and the October 9 letter will be Hatch exhibit No. 7.

[Senator Hatch's exhibits Nos. 6 and 7 follow:]

HATCH EXHIBIT #6

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE PRESIDENT, OPERATIONS

October 2, 1984

Mr. David G. Beck
President
Local 438, United Cement, Lime,
Gypsum and Allied Workers Union

Dear Mr. Beck:

On June 27, 1984, Judge Williamson signed a Reciprocal Permanent Injunction prohibiting a wide-variety of misconduct. Since that date, there continue to be repeated instances of harassment and/or violence aimed against Missouri Portland employees, suppliers and their families.

Some of these incidents include the following: a brick was thown at the windshield of one of our food service vehicles by a striker; a replacement employee coming to work on his motorcycle was forced off the road near the front gate and struck by a bystander at the tent area; the wife of a replacement employee was struck by an apple thrown by someone standing in the tent area; certain strikers cruised by the home of a salaried person made harassing statements and threating gestures to his wife; and, the tire of the bus carrying our security guards was shot.

In some of these cases, we know who the responsible individuals were; in other cases, we do not. However, we believe it is within your power, and the power of your fellow officers of the Union, to prevent these violations of Judge Williamson's injunction. It is apparent to us that you have done little or nothing to insure that your membership, and those acting in concert with your membership, are made aware of the terms of the injunction and obey it completely. If you had done so, these violations would not be continuing.

As you well know, we are perfectly willing to fully prosecute all violations of Judge Williamson's injunction. We do not believe this would be necessary, however, if you and your fellow officers would take appropriate steps to inform your membership and others acting on your behalf that you do not condone, authorize or encourage such acts.

If you do not take all appropriate steps within your power to control these continuing violations, we will have no other choice but to hold the Union, and you as its president, responsible for these and all future acts of harassment and violence.

Very truly yours,

J. L. McIntyre

JLM:rn
cc: Mr. Barnhill
Mr. Fisher
Mr. Emerson
Mr. Rice
Mr. Martinez
Mr. Sauders
Mr. Mallott

HATCH EXHIBIT #7

CERTIFIED MAIL
10/9/84

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE PRESIDENT, OPERATIONS

October 9, 1984

Via: Certified Mail

Mr. David G. Beck
President
Local 438
United Cement, Lime, Gypsum & Allied Workers
Route 1
Karnak, Illinois 62956

Dear Mr. Beck:

In my letter of October 2, 1984, I listed many violations of Judge Williamson's injunction committed by Union members and I urged you to take action to insure that this violence did not continue.

Since then, the level of violence has increased rather than decreased. Recently, one employee had a piece of cordwood thrown at his windshield just as he passed by the tent area -- the person who threw the wood was identified as a Union member; another employee received a threat to his life from a person he identified as a Union member; a Union member applying for work at another company claimed that he and other Union members were going to blow up part of the plant by dropping dynamite from an airplaine. This last incident, since it involves violations of federal law, will be reported to the FBI, the FAA, and the Bureau of Alcohol, Tobacco & Firearms, as well as the state police.

Mr. Beck, I do not want to believe that you condone these acts of violence, and these violations of Judge Williamson's injunction, but your apparent lack of action is leaving me no other conclusion. While it is not my place to tell you how to enforce order to your own Union, I would strongly suggest that you take some or all of the following actions: communicate with your members and tell them you disapprove of violence and other injunctive violations; discipline, by either fining or expelling, any Union member whom you determine to be engaging in violence or injunctive violations; issue a statement stating that the Union officers do not condone this type of activity; remove the tent from the plant area.

As we told you previously, we are prepared to hold you, your fellow Union officers, and the Union as an entity, responsible for these continuing violations. We urge you to take strong and immediate steps to bring about a halt to this violence, otherwise you will leave us no choice but to take legal action against you.

Very truly yours,

J. L. McIntyre

JLM:rn
cc: Mr. Barnhill
Mr. Fisher
Mr. Emerson
Mr. Rice
Mr. Martinez
Mr. Sauders
Mr. Mallott

Mr. BECK. I have a response to Mr. McIntyre in a letter that we wrote back to him asking him——

The CHAIRMAN. We will put that in, also, your response, into the record at this point as Hatch exhibit No. 8.

Mr. BECK. Thank you.

[Senator Hatch's exhibit No. 8 follows:]

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

10 84

HATCH EXHIBIT #8

Dear Mr. McIntyre:

This is to acknowledge receipt of your October 2, 1984 letter regarding the Reciprocal Permanent Injunction. Your letter appears to be more of an attempt to dummy-up some "evidence"for future court proceedings (by use of your self-serving letter) than it is as a serious attempt to resolve problems. We will, however, treat it with seriousness and consideration which it probably does not deserve.

Your Company in the past has not demonstrated the slightest hesitance in seeking contempt of court citations and/or Grand Jury indictments of pickets and others for any and all reasons. Some of those reasons include even putting their foot one inch inside the Company's open gate. Of the many, many persons whom you have sought to be cited, to my knowledge only two members have been cited for contempt of Court and only one member, who admitted to the incident and sought to remedy his mistake immediately, was indicted for busting a windshield of a car after the car had broken the picket sign he was holding.

As you can see, if the Union took disciplinary action against the many, many you have charged, we would have proceeded against many innocent individuals as determined by a Court or Grand Jury.

The Union has repeatedly and continually advised our members not to engage in violence and we believe that with very few individual exceptions they have done so. As to those very few exceptions, they have received their penalty from the Court and the Union has personally impressed upon them that further instances will result in Union action against them including possible expulsion from membership. Our members repeatedly have been told that violent incidents do not aid the Union and it only plays into the Company's hands, considering the Company's obvious pleasure in reporting such items to the media.

We believe our members understand and have complied with the need for peaceful activity. We believe the Company should examine its own personnel on thse type incidents before looking elsewhere. As you know, and as found by the Court, persons under your direction and control at the Joppe facility conspired with the clear intent of antagonizing our pickets, some of whom are minorities, by having one of the "inside personnel" dress up in a Ku Klux Klan outfit and parade around at night with a burning cross. What other Company in this country has been enjoined by a Court from allowing such activity to continue?

The Union at its membership meetings has and will continue to advise our membership that unlawful acts are not condoned, authorized or encouraged. They have also been advised that it can possibly lead to fines and expulsion depending on the circumstances. We in turn suggest that you control to a much better extent than exists actions of your employees entering and leaving the plant in a manner endangering our pickets.

As a final note, your final paragraph threatens that if we don't take steps "to control these (claimed by you) continuing violations" you will hold me and the Union responsible. If you are serious in saying that, then the left hand of the Company does not know what the right hand is doing. Ever since you've started with your contempt of Court proceedings you've already sought exactly that, although unsuccessfully.

If you are serious in the statements made in your letter, then notify us immediately of any incidents identifying our members (rather than your inside personnel) you claim to be involved in any incidents, the details of the incident and all witnesses involved. We will check it out, advise you of the results of our investigation and the action thereupon taken. If you have alternative suggestions please advise, and they will be considered.

Very truly yours,

David Beck

David Beck

The CHAIRMAN. Were you aware back in 1973 that the union actually stopped a train from making a delivery during that particular strike?

Mr. BECK. I am not aware of what happened in 1973.

The CHAIRMAN. OK, I am not holding you responsible for that; I am just asking you if you are aware.

Were you aware that in 1973 the company obtained a temporary restraining order preventing your union from blocking the main gate with pickets, automobiles, logs, chairs, and other items?

Mr. BECK. No.

The CHAIRMAN. You are not aware of that. Were you aware that union members Kenny Kerr and T. J. Pryor were engaged in a series of confrontational incidents at the front gate and had to be restrained by sheriff's deputies?

Mr. BECK. No.

The CHAIRMAN. Were you aware that the pipeline into the plant which carries flyash was sabotaged in 1973, just as it was alleged it was done in 1984?

Mr. BECK. No; I am not.

The CHAIRMAN. Now, your union, Mr. Beck, entered into a settlement agreement at that time resolving an unfair labor practice charge before the NLRB in 1973—I take it it was a different NLRB at that time—promising to stop threatening, coercing, and restraining employees of the contractor doing work for Missouri-Portland. Were you aware of that?

Mr. BECK. No.

The CHAIRMAN. We will enter the settlement notice as Hatch exhibit No. 9.

[Senator Hatch's exhibit No. 9 follows:]

HATCH EXHIBIT #9

IN THE CIRCUIT COURT
FOR THE FIRST JUDICIAL CIRCUIT OF ILLINOIS
MASSAC COUNTY, METROPOLIS, ILLINOIS

MISSOURI PORTLAND CEMENT COMPANY and CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY, Plaintiffs, Vs., UNITED CEMENT, LIME and GYPSUM WORKERS, LOCAL UNION 438, JOPPA, ILLINOIS, THOMAS C. RICE, JACK MIZELL, ROBERT FISHER, WILLIAM R. HATFIELD, AL FINNEY, RONALD SUMNER, DENNIS ANDERSON, et al, Defendants.	)	NO. 73 CH 1

TEMPORARY RESTRAINING ORDER.

This matter comming on for hearing on the Complaint of plaintiffs and the Exhibits attached thereto which verify and amplify said Complaint, and the Court being fully advised in the premises, DOTH FIND AS FOLLOWS:

1. That it has jurisdiction of the subject matter.

2. That defendants may not stop persons or vehicles entering or leaving the plant of plaintiff, Missouri Portland Cement Company; deny them entrance or exit into or from said plant; search or inspect vehicles being driven by such persons, or in any way impede or stop the movement of the trains of Chicago and Eastern Illinois Railroad Company.

3. That such action, unless restrained, could and will cause irreparable damage to plaintiffs.

NOW, THEREFORE, IT IS ORDERED by the Court that a temporary restraining order is hereby issued by this Court ~~without notice~~ to

the defendants and without bond, restraining the defendants, including all members of said Local Union No. 438, their agents and any persons acting in concert with them from doing or permitting the following, to-wit:

> Stopping persons and vehicles entering or leaving said Joppa plant of plaintiff, Missouri Portland Cement Company, by said main gate; refusing entrance or exit to any person or vehicles operated by any person into and out of the said Joppa plant; blocking the said main gate entrance of said Joppa plant with pickets, automobiles, logs, chairs or any other item or items, and from in any way interfering with or attempting to obstruct or stop the movement of any train, including the cars thereof of the Chicago and Eastern Illinois Railroad Company, and particularly those trains of said railroad consigned to the Missouri Portland Cement Company at its Joppa plant,

until this Court shall make further Order to the contrary.

ENTER: H. Chas
Circuit Judge.

DATED: May 16, 1973

TIME: 9:30 P.M.

The CHAIRMAN. Were you aware that Mr. Thomas C-E-D Rice led a wildcat strike in 1977 and was fired for doing so?

Mr. BECK. Yes. I was present at the plant, and that is incorrect. Mr. Rice did not lead that wildcat strike. He wasn't even at the plant when the strike occurred, nor was I.

The CHAIRMAN. Then who did lead the wildcat strike, do you know?

Mr. BECK. It was the individuals themselves. The union did not condone it whatsoever.

The CHAIRMAN. I understand. But Mr. Rice, as I understand it, was fired. Is that right?

Mr. BECK. Mr. Rice was terminated and was put back to work by an arbitrator.

The CHAIRMAN. Were you aware that in 1977 this same Thomas—is it Ced?

Mr. BECK. Correct.

The CHAIRMAN [continuing]. That Thomas Ced Rice tried to hit another union member, Bradley Blane, at the main gate because Mr. Blane refused to participate in the wildcat strike? As I understand it, Mr. Rice was so drunk that he missed and hit Mr. Blane's car instead. Is that right?

Mr. BECK. Evidently he didn't, because I was sitting in the arbitration case when they tried to get his job back, and Mr. Blane never brought this up, and he was in the arbitration case.

The CHAIRMAN. Now, I agree with Senator Kennedy and Senator Simon that we should not condone violence in any manner on either side of this issue, on management or on your part. But, based upon your testimony today, Mr. Beck, I take it that you feel that because of the actions you feel the guard companies may have committed in the past, that this committee might believe that they were also responsible for the incidents of violence in Joppa such as the shooting of cars, firing into radiators, incidents of violence for which individuals have yet to be arrested? Is that what you feel?

Mr. BECK. Yes; we do.

The CHAIRMAN. You don't feel that it is any part the result of actions by members of your union?

Mr. BECK. No.

The CHAIRMAN. OK. If a guard had a prior conviction——

Senator KENNEDY. Do you have any evidence? Has there been anyone that has brought evidence to you to show that your members were involved in this?

Mr. BECK. The only evidence of any problems we have had has been taken to court, and they have been found guilty or acquitted.

The CHAIRMAN. Now, if a guard actually had shot into a car, I guess you would feel that he might do it again. Is that true?

Mr. BECK. Pardon me?

The CHAIRMAN. If a guard actually did this shooting into the cars or vans or whatever was shot at, do you feel he might do it again?

Mr. BECK. Like I say, now that they've got them out of there, there haven't been any problems that these people are saying.

The CHAIRMAN. Is Jess Kester a member of your union, Mr. Beck?

Mr. BECK. Yes; he is.

The CHAIRMAN. Do you know that on June 3, 1983, he was convicted of firing shots into the radiator of a car which I believe belonged to his ex-wife, Cindy? Are you familiar with that?

Mr. BECK. Yes; I heard he killed his car. [Laughter.]

The CHAIRMAN. He put it out, huh?

Mr. BECK. Yes; he wasn't intending on hurting anyone. Sometimes that is a pretty rough situation, because I am going through the same situation right now, so I can feel with him, since this strike, you know.

The CHAIRMAN. I understand.

We will enter the Kester plea of guilty as Hatch exhibit No. 10.

[Senator Hatch's exhibit No. 10 follows:]

HATCH EXHIBIT #10

COURT COPY - ORIGINAL
DEFENDANT'S COPY - PINK
STATE'S ATTORNEY'S COPY - WHITE
PEACE OFFICER'S COPY - CANARY

FRANK THORNDER CO., CHICAGO 115

No Carbon Required

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT

MASSAC COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS
VS.
JESS M. KESTER
DEFENDANT

NO. 81-CF-93
Class 4 Felony

INFORMATION
COUNT I

The State's Attorney of said County charges:

That on November 21, 1981, in Massac County, Jess M. Kester committed the offense of CRIMINAL DAMAGE TO PROPERTY in that the said defendant knowingly damaged property of Cindy Kester, being a grill and air conditioning unit in a 1979 Mercury Monarch automobile located near Joppa, Massac County, Illinois, without the consent of Cindy Kester, said damage being in excess of $150.00.

in violation of Chapter 38, Section 21-1(a), Paragraph ____, Illinois Revised Statutes.

Kerry Hunter
(State's Attorney)

STATE OF ILLINOIS }
COUNTY OF MASSAC } ss.

The undersigned, on oath, says that the facts set forth in the foregoing Information are true in substance and matter of fact.

Cindy Kester

SWORN TO before me November 23, 1981

Mackie Lee Scott
(Signature)
Notary Public
(Official Capacity)

Information filed ____, 19____. Bail set at $____

____ order to issue.

____
Judge

Defendant appears in open court ____, 19____.

Defendant released on bail in sum of $____ with security: ____
(Description of Security)

(Surety: ____ (Name) ____ (Address))

____, 19____.

Defendant remanded to custody of Sheriff for failure to give bail ____, 19____.

Cause continued until ____, 19____, for ____
(Pre - Hearing - Trial)

____
Judge

COURT COPY - ORIGINAL
DEFENDANT'S COPY - PINK
STATE'S ATTORNEY'S COPY - WHITE
PEACE OFFICER'S COPY - CANARY

FRANK THORNBER CO., CHICAGO 115

No Carbon Required

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT

MASSAC COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS
VS.
JESS M. KESTER
DEFENDANT

NO. 81-CF-93
Class A Misdemeanor

INFORMATION
Count II

The State's Attorney of said County charges:

That on November 21, 1981, in Massac County, JESS M. KESTER committed the offense of UNLAWFUL USE OF WEAPONS

in that the said defendant knowingly carried in a motor vehicle, a rifle, at a time when he was not on his own land, or in his own abode, or fixed place of business.

in violation of Chapter 38, Section 24-1(a)(4) Paragraph ____, Illinois Revised Statutes.

Kerry Hunter
(State's Attorney)

STATE OF ILLINOIS
COUNTY OF MASSAC
ss.

The undersigned, on oath, says that the facts set forth in the foregoing Information are true in substance and matter of fact.

Cindy Kester

SWORN TO before me November 23, 1981

Vivian Le Gatte
(Signature)
Notary Public
(Official Capacity)

FILED
NOV 23 1981
John L. Spotman
CLERK OF THE CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
MASSAC COUNTY, ILLINOIS

Information filed ____, 19____. Bail set at $ ____

____ order to issue.

____
Judge

Defendant appears in open court ____, 19____.

Defendant released on bail in sum of $ ____ with security: ____
(Description of Security)

(Surety: ____ (Name) ____ (Address))

____, 19____.

Defendant remanded to custody of Sheriff for failure to give bail ____, 19____.

Cause continued until ____, 19____, for ____
(Plea - Hearing - Trial)

____
Judge

RECORD SHEET

Case No. 81-CF-93

Nature of Case _____

THE PEOPLE OF THE STATE OF ILLINOIS

-vs-

JESS M. KESTER,

Attorneys
States Attorney, Courthouse, MEtropolis, IL

Kluger & Foster
5th & Market
Metropolis, Ill.

AO 69-32

FRANK THORNBER CO. - CHICAGO 2020

DATE	JUDGE AND REPORTER		COSTS Dollars	Cents
11 23 81		Information filed. 2 counts. Said information presented to the presiding Judge of the Circuit Court of Massac County, who, upon examination of same issues a Warrant of Arrest. Bond set at $ 5000.00 . Warrant delivered to the Sheriff of Massac Coutny.		
	Chas Cullen	Def and Atty Hull appear. Advised of rights of charge, penalty, and rights. Case will be set Pre Trial 11/30/81 at 9 AM		
		Warrant of Arrest filed.	12	00
11 23 81		Notice of preliminary hearing for 11-30-81 at 9am filed		
		Bail Bond for Appearance of Defendant with deposit of Cash Bail Security filed		
11 25 81		Entry of Appearance filed		
		Motion of the Defendant for Discovery filed.		
11 30 81	Chas Cullen	Def and his Atty Hull & Atty Offer. Bond ordered kept in Pre Trial. Court finds probable cause. Bail ordered set.		
1 25 82		Transcript of Proceedings had on 11-30-81 filed.		
7 7 82		Copy of pre-trial docket setting for 7-27-82 at 1pm mailed.		
7 27 82	Chas	Called for jury trial setting.		

RECORD SHEET

Case No. 81-CF-93

Nature of Case _____

Attorneys

Jess M. Foster

Kruger + Foster

AO 69-32

FRANK THORNBER CO. - CHICAGO 2020

DATE	JUDGE AND REPORTER		COSTS Dollars	Cents
7 8 82		Answer to Discovery filed- Motion for Pre-Trial Discovery Pursuant to Ill. Supreme Court Rules 413+415 filed-		
8 6 82		Partial Answer to Motion for Pre-Trial Discovery filed. Motion to Strike Count II of Information filed		
5 9 83		Notice of motion setting for 5-24-83 at 9:00 A.M. filed		
	D. William K. Colbert	Def and Def's atty Kruger and Asst. St's Atty Colbert present for negotiated plea. Def. pleads guilty to Count I As Amended to Criminal Damage to Property less than $150, Class A misdemeanor. Count II is dismissed as per neg. plea. Court finds Def. guilty of Amended Count I Class A misdemeanor. Count II is dismissed as per neg. plea. Appeal rights given. Sentence is $100 fine + costs, all to be paid today.		
		10% bond fee, Cost & fine Taken from Cash bond. Refund $293.00 Check # 43033		

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE [illegible] JUDICIAL CIRCUIT

[illegible] COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS,

vs.

[illegible]
Defendant.

No. [illegible]

PLEA OF GUILTY AND WAIVER OF JURY

I, the undersigned, Defendant in the above entitled cause, hereby enter a plea of guilty in manner and form as charged therein in the Count I of the Amended Information (Indictment - Information) and each count thereof, filed in said cause. I hereby waive a Trial by Jury and consent to an immediate hearing, and also consent that the Court fix my punishment under my plea herein. I am 36 years of age.

Done in open Court, at Metropolis Illinois, this 3rd day of June A.D. 1925.

Signed in the presence of -

[illegible]

[illegible]
Defendant.

The CHAIRMAN. Adopting the standard that you urge upon the committee, that violence was probably committed by people who we have no reason to believe were violent in the past, I think you will have to agree that the committee may well believe that the acts of violence against Delbert Sullivan's trucks and the shooting of vans could have been committed by your union or members of your union.

Mr. BECK. No; we don't say that because we don't have those types of people. Most of our people, the only record they've got with the police is a traffic ticket, and they've got people that work in that plant that have been in the penitentiary three times, this one man, in the last 15 years, and that is just one we checked on, that we got to see the files on.

The CHAIRMAN. Who is that? Kester, do you mean?

Mr. BECK. Pardon?

The CHAIRMAN. That is Kester, do you mean?

Mr. BECK. No; we are talking about the strikebreakers that are inside that plant. They've got one that I saw the file on in the sheriff's department that has been in the Vandalia State Prison twice, and then turned around and put in Minier Prison 2 years later. It has all taken place in the last 15 years. And that is the only one we have looked at. So there is no telling what kind of people are in there.

The CHAIRMAN. Yesterday, my staff talked with Commander Thomas Robinson of the U.S. Coast Guard in Paducah, KY, with regard to an alleged incident of June 25, 1984, in which union members were alleged to have threatened and harassed with racial epithets a barge guard of the company at a site on the Ohio River near the cement plant.

A motorboat licensed to you was sighted in the area at the time this incident allegedly occurred, about 2 o'clock in the morning. You and some of your associates were interviewed by Commander Robinson and his staff. When asked what you were doing in the river at 2 a.m., you reportedly replied that you were waterskiing. [Laughter.]

You must be a heck of a waterskier is all I can say. We need you out there in Utah where we pride ourselves in those things.

Is Commander Robinson's report to my staff accurate, Mr. Beck?

Mr. BECK. We were out there.

The CHAIRMAN. Were you waterskiing?

Mr. BECK. Yes.

The CHAIRMAN. I see.

Go ahead. Do you have something else you wanted to say?

Mr. BECK. Yes; there were some problems. It really wasn't anything. It was just mouth, you know. Some of these guards were shining their spotlights. There were two boats out there, and they were shining their lights in the guys' eyes.

The CHAIRMAN. I see.

Mr. BECK. There wasn't anything that happened other than somebody said, "Hey, get that out of my eyes."

The CHAIRMAN. Mr. Beck, Commander Robinson also told my staff that during the first week of the strike, your members threatened barge operators with bodily harm if they continued to work for the company.

Mr. BECK. That is not true.

The CHAIRMAN. Did you investigate any such reports of your member's misconduct and reprimand or otherwise discipline any persons who had made those threats, or are you saying that such threats just didn't occur?

Mr. BECK. We had a hearing on it, and there never was anything that came out of it.

Mr. SOUDERS. Your Honor, the injunction hearing would have been after that incident, and nothing came up at that injunctive proceedings about that, and frankly, we say it didn't happen.

The CHAIRMAN. Well, do you think Commander Robinson is not telling the truth here?

Mr. SOUDERS. No; but I am saying that had that information been available, or had somebody been available——

The CHAIRMAN. That is not what I asked.

Mr. SOUDERS. I am sure the commander wasn't out there when it happened.

Mr. BECK. He doesn't have first-hand knowledge of it, either.

The CHAIRMAN. He doesn't?

Mr. SOUDERS. Even if something did happen, he doesn't sit out there in the river, and so he is reporting what somebody told him, but nothing like that ever came up in the injunctive proceeding which was held after that time.

The CHAIRMAN. Are you aware that he accused your people of threatening bodily harm to barge operators?

Mr. BECK. The only people that we are aware of is the company, Mr. Mitchell and Mr. Lang, putting words in people's mouth.

The CHAIRMAN. Well, then, you are saying that somebody put words in Commander Robinson's mouth, too?

Mr. BECK. No; we are not saying that about the commander, but he doesn't have any first-hand knowledge of what you are saying.

The CHAIRMAN. Well, let me just say this, Mr. Beck. I am sure that you personally oppose violence——

Mr. BECK. We do.

The CHAIRMAN [continuing]. And that you have tried to prevent violence. That has been your testimony here today. But would you say that, under the circumstances, with the irritations that existed between the company and the union, that it would be very difficult for you or any other union officials to control the actions of those members who are determined to commit violence despite your insistence on their being orderly?

Mr. BECK. Like I said, we think that most of the instances have been minor, and we do have it under control. We don't have the problem. Since the Nuckols outfit has left, there hasn't been any problem there.

The CHAIRMAN. Well, you know, the thing that bothers me is that we have had a lot of testimony here on February 27 completely rebutting what you are saying here today.

Mr. BECK. I have read it.

The CHAIRMAN. And you have come in and said that these people are all liars.

Mr. BECK. I have read that testimony, and there are a lot of facts that are stretched and misrepresented. There is no way that is true, what they are saying.

The CHAIRMAN. So you are saying that they didn't tell the truth under oath?

Mr. BECK. Yes, sir.

Mr. SOUDERS. Senator Hatch, we should also point out to you that they've got a wide-ranging injunction, and when something goes wrong, they can go into court, and we keep stressing, they have gone into court six times against a lot of people, and out of all those allegations, six times against a lot of people, they have had only three instances where somebody has been found in contempt for touching a fender of an automobile.

Mr. BECK. This is a 9-month period.

The CHAIRMAN. Well, let's be honest about it. You have been claiming here there were no injuries, nobody was ever hurt, and yet we have all kinds of instances where there were injuries, where people were hurt, where you called it a stick of wood instead of 12-inch by 18-inch log that was thrown through a windshield and could have killed the guy. You have tried to play down every one of these things as though there is nothing here.

Mr. SOUDERS. Well, when this company has to put up or shut up in a court of law, we don't hear from them.

The CHAIRMAN. I see. Well, I will tell you something. It is a real puzzlement to me, because I have to admit I believed the testimony of a number of the people who testified last time, and I am not sure you know whether those things occurred or didn't occur, but as a good union president, you are doing your best to stand up for your union. But there are just too many unanswered questions here, as far as I am concerned.

I don't have any further questions. Do either of you have any?

Senator KENNEDY. I do not.

Senator SIMON. I do not.

Senator KENNEDY. I just want to make sure, Mr. Chairman, that the State police's testimony will be printed in its entirety in the record, and that we will have an opportunity to submit some questions to them.

The CHAIRMAN. We will keep the record open for questions.

Senator KENNEDY. But we will have an opportunity to inquire of the State police based upon that testimony?

The CHAIRMAN. Sure.

Senator KENNEDY. We ask to submit some written questions.

The CHAIRMAN. That will be fine.

Senator KENNEDY. I want to thank our witnesses. I am going to have to leave.

Mr. SOUDERS. Thank you, Senators, Mr. Chairman. We really appreciate being here today.

Senator KENNEDY. My colleague has a question.

The CHAIRMAN. Senator Simon?

Senator SIMON. Not a question, Mr. Chairman, but I am not Completely clear what the point of these hearings is, but it is fairly clear to me we do not have a pattern of a union trying to subvert the law; we do not have a pattern of a union that is advocating violence; we have in fact a company that has hired the Nuckols company and the troubleshooters company, both of which have, contrary to the law, without being licensed as the State of Illinois re-

quires, come in and proceeded in a manner that I think is not in the best interest of anyone.

You have a company that has followed practices that just good, plain common sense—and I used to be in business—just good, plain common sense, just do not make sense and that have been very provocative.

I simply want to commend the witness. Your stand in opposition to violence is one I commend, and I appreciate your being here.

Mr. BECK. Thank you.

The CHAIRMAN. Well, let me just say that I don't know how you can make those statements, because we have had a pattern of violence in 1973 that was very similar to what has occurred here. Their union was accused of it. There are court records showing that they were accused of it.

The same damn things happened here, including the flyash pipe, and you go right down the line, and he comes in here and says all these other witnesses are lying. They came in here under oath and they are lying.

Of course, the only reason I haven't sworn these fellows is because members of the minority have insisted that we not swear without having a formal committee meeting to justify subpoenas or swearing.

Now, all I am saying is this. They still have an obligation to tell the truth. But somebody is lying here.

Mr. BECK. You better believe it.

The CHAIRMAN. Somebody is lying here, and I will tell you another thing. Look at the records. Look at the court records. Look at the pattern. Look at what has happened.

I have to admit some of the videotapes are very sketchy, because who is going to be on top of everything that happened there? But I will say one thing. The first videotape, with the State police standing there and a guy bashing the windshield, certainly shows violations of the law

Now, you know, let's just get with it here. I am not justifying anything the company did. I don't know whether Mr. Nuckols is a saint or an SOB, and he may be both, I don't know. He certainly has not testified here, and I don't know whether he has the right to do business or not. You don't know, either. You just know that you have one letter.

Senator KENNEDY. He was invited here.

The CHAIRMAN. So was Mr. Kester, who was accused of some of the violence here that he doesn't think happened.

Senator KENNEDY. That is why I would hope that we can get all these facts.

The CHAIRMAN. But I don't see how you can sit there and say that with what you have heard. Now, I can sit here and say that I commend you for not condoning violence and for trying to keep your men from being violent. You have testified here today, and I have no reason to believe otherwise.

But your answer is that all these other people who have testified under oath are a bunch of liars, and they are out to get the union.

Mr. BECK. It wasn't the only answer. The answer was to be used where there really was. You really have got away from—I know what the hearing is about, but you have got away from the real

problem there, which is the union-busting, and that is all they were in it for.

The CHAIRMAN. Well, I don't think that has anything to do with whether or not people should commit violence, and I don't know that you can call it union-busting because the company stands up and wants a different contract and says it cannot live with the contract it has. It has a right to do that.

Now, if Mr. Nuckols has done what they claim he has done, that is not right, and the company has admitted some improprieties on its part. I have a tendency to believe what they have said because they have come in and said, "Yes, there were some wrong things that were done by employees that we have had to fire, that we have had to reprimand, and they did do that." So I tend to believe what they have said there.

But, you know, both sides have been wr ong here, but one side has been shooting at cars, one side almost killed a fellow, and one side has been throwing nails and intimidating and doing all kinds of other things. All I can say is that based upon the pattern of history in the past, I don't see how anybody can sit here and say that, well, this is all a bunch of bull.

Mr. BECK. All I can tell you is, we are telling you the truth.

The CHAIRMAN. Well, we appreciate that. Thank you so much for appearing.

Senator KENNEDY. I think, as I understand it, the Nuckols company has had their license revoked in Ohio.

The CHAIRMAN. Well, I don't know whether they have or haven't.

Senator KENNEDY. Well, I think it is just a point——

The CHAIRMAN. Well, then, get the records. Let's not just make allegations.

Senator KENNEDY. The only point is that what we would like to do is make sure that we are involved in trying to find out about some of this information, as well asmajority.

The CHAIRMAN. Well, we will try to do that.

Senator KENNEDY. I would agree that there are a lot of ends that have been left up in the air. But I have been verygrateful for the testimony that has been made here todays.

Mr. SOUDERS. Thank you, Senator.

The CHAIRMAN. We are grateful to have you.

Mr. BECK. Thank you very much.

Senator KENNEDY. You have been very responsive to our questions, and we are grateful for it.

The CHAIRMAN. Thank you. We will now call Laimutis A. Nargelenas, superintendent of the Illinois State Police, Du Quoin, IL. He will be accompanied by Lt. John Richter of the Illinois State Police.

STATEMENT OF LAIMUTIS A. NARGELENAS, SUPERINTENDENT, ILLINOIS STATE POLICE, ACCOMPANIED BY LT. JOHN RICHTER, OPERATIONS OFFICER, DISTRICT 13, ILLINOIS STATE POLICE

Mr. NARGELENAS. Mr. Chairman and members of the committee, my name is Laimutis (Limey) Nargelenas, and I am the superintendent of the Illinois State Police.

I have with me today Lt. John Richter, who is the operations officer for district 13, and he was the supervisor of the State police detail during the labor and management dispute near Joppa, IL.

Mr. Chairman, I don't know how much time you have in regard to how you would like for us to proceed on this, because I do have a lengthy testimony to present.

The CHAIRMAN. If you could summarize your testimony, it would be very helpful to us. I would appreciate it if you would.

Mr. NARGELENAS. I will just touch on a couple of points. Basically, one is that the Illinois State Police does not assume the basic police function within the affected community, such as in this incident. The main response was by the Massac County Sheriff's Department, and we were there in a support function, and also, then, once they requested our assistance, we then took immediate action to restore law and order in those situations where it was required.

I want to mention that where labor-management disputes are involved, the department of law enforcement, the State police, is not unaware of the interests and concerns of the parties to the dispute. The labor-management disputes involve management which has at stake investments in production and sales, and employees who have their jobs at stake.

Potentially, and often in practice, the most difficult problems in police administration and operations are created when the labor-management relationship dissolves into strikes or lockouts, and often from tactics employed by the principals and the tension that develops, civil disturbances result.

Nonetheless, it is not the duty nor the responsibility of the police to attempt to settle the basic issues in any labor-management dispute. The Illinois State Police attitude during a labor-management dispute must be that the agency does not exist to take sides but to maintain the peace and to protect all life and property.

The law enforcement agency at the scene of any labor-management dispute, if the agency is to be effective, must from the beginning deliberately establish and maintain a neutral posture toward the principals. Any other law enforcement position than that of strict impartiality is indefensible.

The police must conduct their operations with objectivity at all times, and civil matters must be resolved by the parties to the dispute without police intervention, and that is basically the position that the Illinois State Police took during this dispute.

[The prepared statement of Mr. Nargelenas follows:]

TESTIMONY PRESENTED TO
THE COMMITTEE ON LABOR & HUMAN RESOURCES

BY: SUPERINTENDENT L. A. NARGELENAS
ILLINOIS STATE POLICE
MARCH 26, 1985

WASHINGTON, D.C.

Before speaking to any specific issues, or answering the Committee's direct questions, it seems necessary to briefly describe the Illinois State Police (ISP) in its organizational context and to develop a better perspective of its role during civil disorders generally, and labor-management disputes specifically.

The Illinois State Police (ISP) is one of six Divisions that, together, make up the Illinois Department of Law Enforcement (IDLE). Besides the Illinois State Police (ISP), only two other Divisions had any direct role in events relating to the labor-management dispute at the Missouri-Portland Cement Company Plant near Joppa, Illinois. Follow-ups and long term investigations were provided by the Division of Criminal Investigation (DCI), and forensic laboratory and crime scene services were provided by the Division of Support Services (DSS). For brevity's sake, and if the Committee does not find it too cumbersome, I will refer to the respective organizational entities by their acronyms (IDLE, ISP, DCI, DSS).

The ISP is an Agency comprised of about 1,750 sworn police officers. The officers serve a State that is, at the same time, an agricultural center and an industrial center. About one-half of Illinois' nearly 12,000,000 population live in the five or six Counties in the Chicago metropolitan area. The area we are concerned with today, however, lies near a very small town named Joppa in Massac County, Illinois. The population total for Massac County and its three contiguous Counties is fewer than 38,000. Like much of Illinois, most of the population (perhaps 84%) resides in or very near an incorporated area. For most of the employable adult population, the basic social environment is the union organization.

The primary responsibilities of the ISP during any civil disorder are the preservation of the peace and the protection of life and property. It usually does not take long, however, before this general principle (philosophy, if you will) is made rigorous by the need to react to actual situations. The ISP policies and procedures established to meet this need are based upon legal and moral precepts.

In matters involving civil disorder, the IDLE, in all of its Divisions, must assume the role of an assisting Agency. That is, the IDLE will provide support to local and County governments who are called upon to handle situations involving civil disorder, but whose resources may be too limited to be fully effective. It is the policy of the IDLE to react to requests for support or assistance when the request is made by the chief executive authority or an appropriate designee of the political subdivision involved. Whenever there is ample time, such a request for assistance is required in writing. For the ISP, there are several essential policies or procedures.

1. The Illinois State Police will not assume the basic police functions within the affected community. In the event that there is a total breakdown of authority and there is an immediate need to restore law and order, the ISP shall act without delay.

2. In an emergency, the Illinois State Police will, to the limit of its available resources, render any assistance necessary to restore and maintain law and order.

3. When violence has erupted and is continuing, the Illinois State Police will immediately prepare to respond to requests for assistance made by local or county authority. Unless it is clearly evident that the situation is, or will soon be, beyond the control

of local or County authority, ISP personnel resources will not be committed. Until such breakdown in authority is evident, the ISP will assemble its resources at a strategic location near the affected area.

4. ONLY THAT DEGREE OF FORCE NECESSARY TO MAINTAIN LAW AND ORDER, AND OVERCOME RESISTANCE TO LAWFUL AUTHORITY, WILL BE USED.

Where labor-management disputes are involved, the IDLE is not unaware of the interests or concerns of the parties to the dispute. Labor-management disputes involve management, which has at stake investments in production and sales, and employees, who have their jobs at stake. Potentially, and often in practice, the most difficult problems in police administration and operations are created when the labor-management relationship desolves into strikes or lockouts. And often from tactics employed by the principals and the tension that develops, civil disturbances result. Nonetheless, it is not the duty nor the responsibility of the police to attempt to settle the basic issues in any labor-management dispute.

The ISP attitude during a labor-management dispute must be that the Agency does not exist to take sides, but to maintain the peace and to protect all life and property. The law enforcement agency at the scene of any labor-management dispute, if the agency is to be effective, must, from the beginning, deliberately establish and maintain a neutral posture toward the principals. Any other law enforcement position than that of strict impartiality is indefensible. The police must conduct their operations with objectivity at all times. Civil matters must be resolved by the parties to the dispute, without police intervention.

Unfortunately, the distinction between civil and criminal issues is not always crystal clear. All too often, that determination is made long after the actual events have occurred -- and without a sense of the forces that compel reactions. With that in mind, I will attempt to answer the specific issues raised by the Committee's inquiry that have been brought to our attention. I should add I am not prepared to answer questions raised today, or brought to our attention for the first time.

On Friday, June 15, 1984, about 9:40 a.m., the Operations Desk at the District 13 Headquarters received a telephone call from Mr. Mel Brekhus, Plant Manager, Missouri-Portland Cement Company, Joppa. Mr. Brekhus stated that a labor dispute was in progress at the Joppa plant, and that striking employees were causing problems at the plant site.

The Operations Sergeant advised Mr. Brekhus that the State Police will assist the Massac County Sheriff, if requested by the Sheriff, and that he (Mr. Brekhus) should call the Sheriff's Office in Metropolis.

About 9:43 a.m., a man, who only described himself as a driver for the Commercial Transport Company, telephoned District 13 and stated that he had been threatened. According to the caller, four men riding in two different pickup trucks had stopped the Commercial Transport Company vehicle, and then made threats of violence if the caller attempted to pick up or deliver freight at the Missouri-Portland Cement Company plant. The caller further stated that he could not identify the four men, but that he thought all the men were drunk.

The Operations Sergeant directed a State Police Field Supervisor to go to the cement plant area and check the situation reported. The Field Supervisor was also directed to go to the Commercial Transport Company terminal near Joppa and talk to drivers who may have been threatened.

(1) On June 15, 1984, at about 9:33 p.m., Trooper Glen Rockwell was directed to go to the Missouri-Portland Cement Company, Joppa Plant, in answer to a call received at the District 13 Headquarters. Trooper Rockwell went to the area and took up a position about one-fourth mile from the plant gate.

About 10:30 p.m., a delivery truck arrived at the plant gate and was stopped by approximately fourteen picketers. Trooper Rockwell radioed for assistance and then drove up to the plant gate. The truck, meanwhile, started driving north along the County road. Trooper Rockwell advised the strikers that they could not stop vehicles from entering the plant. At that time, a vehicle with two men in it arrived. The driver, presumably one Theodore Pugh, went up to the Trooper and asked if the delivery truck could return and then leave the area by driving east on the County road. Trooper Rockwell advised the man that such a move was up to the truck driver.

Another Trooper arrived about this time and took a position about one-fourth mile north of the plant gate. After the truck went by the gate, Trooper Himble, in patrol unit 13-115, drove past the scene at the gate. Trooper Himble did not exit his patrol unit. The Massac County Sheriff, Ronald Tucker, and two Deputies arrived as the delivery truck was leaving.

At 10:35 p.m., Trooper Rockwell advised his Headquarters of the situation and was, in turn, directed to return to patrol. As far as can be determined, no complaint by a Theodore Pugh has ever been received by the Illinois State Police. If Mr. Pugh was assaulted on June 15 or 16, 1984, he waited some eight months and then told his story only to Committee investigators.

(2) On June 16, 1984, at 4:25 p.m., Massac County Chief Deputy Sheriff Charles Barger called State Police District 13 to request assistance in handling strike-related incidents at the Missouri-Portland Cement Company. The Chief Deputy asked that State Police units meet with him at 7 p.m. near Metropolis, Illinois. A detail consisting of one State Police Sergeant and seven Troopers met with Massac County Officers and then assisted the Massac County Sheriff, Ronald Tucker, as the Sheriff read the provisions of a court order rendered earlier by the Massac County Circuit Court. The State Police on-scene supervisor called the District 13 Operations Center at 9:55 p.m. and advised that no serious problems had been encountered and that detail personnel had returned to normal duty.

According to the State Police on-scene supervisor, Sergeant Sam Hiller, some vehicles entering the Missour-Portland Cement Company plant were examined by strikers. Such inspections, however, were by agreement between the drivers of the vehicles and the striking employees. The drivers of the vehicle, in other words, permitted the inspection as a good will gesture. The police officers at the scene did not authorize or require vehicle searches and no complaint was made on which the officers could act.

(3) On June 18, 1984, a high tension electric transmission line supplying the Missouri-Pourtland Cement Company plant with power was sabotaged. This act of sabotage precipitated an ISP response in force. Besides the twenty-one patrol units sent to the scene, the following special personnel and equipment were also dispatched:

The District 13 Operations Officer;
Two Emergency Response Vans
A Mobile Communications Van
A Video Equipment Operator
An Investigator from the State Fire Marshall's Office
A DCI Special Agent
A DSS Crime Scene Technician

A Command Post was established at a school within three minutes driving time. The ISP presence would remain in the Joppa area for several weeks.

The actual investigation of the sabotaged power line was conducted by DCI Special Agent Ed Thrailhill (DCI Case #84P2062). The case is still considered as open and under investigation.

(4) On June 30, 1984, a clasp knife was thrown at a small van carrying private security guard personnel from the Missouri-Portland Cement Company, Joppa Plant. The knife, unopened, broke and went through the rear window of the van. The object did not strike any occupants of the van. DCI Special Agent Gary Ashman took custody of the object and submitted it to the DSS Bureau of Scientific Services Crime Laboratory for examination. No suspects were identified. The case (DCI Case #84P2062) is still open.

(5) On July 6, 1984, about 1:15 p.m., Trooper Charles Morsch was directed to investigate an incident reported by Electrical Energy of Illinois plant officials. According to the Trooper's report, 800 gallons of cooling oil had been drained from a circuit breaker system on the power line that supplies the Missouri-Portland Cement Company Joppa Plant. The fence and gate surrounding the circuit breaker area were intact. No suspects were developed. The case remains open.

(6) On July 7, 1984, at 11:05 p.m., a State Police Trooper was assigned to investigate an incident at the Missouri-Portland Cement Company plant. The Trooper's field report indicates that some time around 10:30 p.m., an unknown person on a bicycle had approached a van occupied by two private security guards on plant property. According to the report, the bicycle rider then tossed a bottle containing a foul smelling liquid into the passenger side window of the van. Apparently,

the liquid was spilled on both occupants. Shortly thereafter, two other private security guards entered the van, and they too were contaminated by the smelly liquid. The Trooper reported that all four guards were taken to Lourdes Hospital, Paducah, Kentucky, for examination. Of the four persons, three received no treatment at all; one was actually examined and found to be uninjured.

The bottle, along with whatever liquid still remained in the container, had been collected by a Missouri-Portland Cement Company employee and was not available to the investigating Officer as evidence. Interviews with persons in the plant area were nonproductive.

A DCI Special Agent was assigned to conduct a follow-up investigation. The Officer found that the bottle and its remaining contents were still unavailable. Apparently, the small bottle had been taken from the Missouri-Portland Cement Company plant to be used as an exhibit in a civil proceeding before the Massac County Circuit Court. Without the evidence, and without forensic examination and analysis of the contents of the bottle, the criminal case could not be pursued.

The bottle and residue were eventually submitted to the DSS Bureau of Scientific Services Laboratory for examination. Preliminary findings are that the residue is neither acid nor caustic.

(7) On July 11, 1984, about 12:30 a.m., Trooper Phil Jeralds was assigned to investigate a report of criminal damage to a truck owned by the Commercial Transport Company, Inc. The incident took place in Joppa, Illinois. In this case, the preliminary report was completed by the Trooper and by a DCI Special Agent assigned to conduct the follow-up investigation (DCI Case #84P2062).

During the follow-up investigation, a witness was located. At first, the witness was very reluctant to talk about the incident, but eventually did give testimony before the Massac County Grand Jury. Based upon the investigation, suspects were identified. The Massac County Grand Jury, however, failed to vote a true bill indicting any suspects. The witness has since left the State.

(8) On July 24, 1984, about 12:50 a.m., Trooper Charles Morsch was assigned to investigate a report of a shooting at the residence of Delbert R. Sullivan. The Trooper responded, along with Massac County Sheriff Tucker and a Massac County Deputy. This incident was investigated, initially by those three, and subsequently by a IDLE Crime Scene Technician and a DCI Special Agent. All leads in this case were exhausted. The DCI still considers this case as being open and under investigation.

Regarding an allegation that Mr. and Mrs. Delbert Sullivan had been shot at on, or about, December 20, 1984, the incident has never been reported to the Illinois State Police. Apparently, this allegation has been made only to the Committee's investigators. At this time, there is no investigation being conducted relative to this issue.

(9) On July 25, 1984, the complaint by Stewart W. Parker was made directly to the Massac County Sheriff's Office. The Massac County Sheriff's Office conducted the initial investigation (Massac County Sheriff's Office Case 2340). The DCI was subsequently asked to assist the Massac County Sheriff. All leads were exhausted. The case is still considered as being open and under investigation.

(10) On August 23, 1984, about 7:10 p.m., a State Police Trooper was assigned to investigate a report of criminal damage to a motor vehicle. Actually, two District 13 Troopers would investigate this matter and the follow-up investigation was also conducted by a DCI Special Agent. The Massac County Grand Jury heard testimony in this case, but failed to vote a true bill indicting any suspect.

On March 1, 1985, a man suspected of committing the damage was held not to be in contempt by the Massac County Circuit Court. The Court's findings, we are advised, followed the testimony of a witness for the plaintiff when the witness told a story much different than the one he related on the evening of the event.

(11) On October 04, 1984, about 1:05 a.m., a State Police Trooper was assigned to investigate a case involving criminal damage to a vehicle. At the time, the driver of the vehicle stated that he could not identify the perpetrator. Other persons at the scene, however, subsequently identified <u>two</u> different persons as being the sole perpetrator. Relative to this case, no official complaint has ever been lodged with the Massac County State's Attorney.

In a civil proceeding, the Massac County Circuit Court held one Jeff Adams as In Contempt of an Order of the Court. Adams was fined $1,200 and remanded to the Massac County Jail for forty-five days.

(12) On October 25, 1984, Trooper Dwain Goss was directed to investigate criminal damage to property at the Missouri-Portland Cement Company Joppa Plant. Sometime during the early morning hours of that day, a large conveyor belt had been sabotaged, destroying the belt. A follow-up investigation was conducted by DCI Special Agent Ed Thrailhill (DCI Case #84P2062) and a DSS Crime Scene Technician.

It appeared that unknown persons had entered the plant from the Ohio River side. A device used to cut the belt was attached to the conveyor and supporting beams. The device was sent to the DSS Bureau of Scientific Services Laboratory for examination. Foot prints at the scene were photographed. No other leads were developed and the case is still open.

(13) On November 4, 1984, about 7:45 a.m., Trooper Glen Rockwell was assigned to investigate a report of a shooting on a rural road near Joppa, Illinois. A DSS Crime Scene Technician assisted. According to the Trooper's report, the vehicle had been shot into several times. The bullets all appeared to have been fired from a .22 caliber firearm. Several projectiles were recovered from the vehicle and are in the custody of the Illinois Crime Laboratory. No suspects were seen or subsequently identified. While all leads, to this point, have been exhausted, the case is still considered as open and under investigation.

(14) On November 28, 1984, about 12:30 p.m., Trooper Stanley Mathis was directed to investigate a report of a vehicle being shot. The Trooper met with a Robert L. King at King's home near Joppa. King showed the Trooper where a bullet had entered his pickup truck rear window exiting through the windshield. No projectiles were found at the scene. No suspects were identified. The case is still open.

(15) The incident involving the beating of a Missouri-Portland Cement Company employee on plant property on December 25, 1984, was reported directly to the Massac County Sheriff's Office. Massac County Sheriff Bob Butler investigated this case personally (Massac County Sheriff's Office Case 2475). The only assistance requested from the IDLE was a State Police patrol unit to provide back up security for the Deputy who answered the initial call. No request for investigative assistance has ever been made.

(16) The contention by a Robert C. King that his home had been fired into on January 1, 1985 has not been made to the Illinois State Police. We have no knowledge of the incident.

TESTIMONY PRESENTED TO
THE COMMITTEE ON LABOR & HUMAN RESOURCES
-12-

This concludes the statement prepared for this Hearing. The Illinois State Police is an old and venerable law enforcement agency, and is quite able to stand on its record of more than sixty-two years of dedication to public service in Illinois. Throughout, I have not sought to defend the Illinois State Police, but only to assist the Committee on Labor and Human Resources as it progresses toward its own goals.

Thank you very much.

The CHAIRMAN. Thank you so much.

Now, Mr. Beck has stated on national television that he used political pressure to have the State police removed from the scene. Is Mr. Beck correct? Was political pressure brought to bear on the State police to remove them from protecting the rights of all of the individuals at the facility in Joppa?

Mr. NARGELENAS. From my perspective, sir, the statement is absolutely not true. The deescalation of the troopers at the scene is a tactical situation and one in which I, personally, was not involved.

As a matter of fact, I do have Lieutenant Richter, who is here today, who made that decision himself.

The CHAIRMAN. Now, Mr. Bob Winchester, former State representative, made the same sort of statement in a letter to the Metropolis Planet on November 1, 1984. We will put that into the record at this particular time. It will be marked as Hatch exhibit No. 11.

[Senator Hatch's exhibit No. 11 follows:]

THUR. 11/01/84
METROPOLIS PLANET

Letters To

Union endorses Demo candidates; Rep. Bob Winchester responds

Dear Editor:

I am writing this letter at the request of the members of Cement Workers Local No. 438. As the people of Metropolis and Massac Co. know, Local 438 has been on strike now for almost 19 weeks. We feel that most everyone knows all about the strike and that no progress has been made. We want to thank all the people of Metropolis and Massac Co. for the very good public support that has been given to us. I will not try to name names and business that have been so very supportive, for I would surely leave someone out. Just let us say that we are very grateful to each of you. We do have special thanks to Glenn Poshard, candidate for state senator from this district. Poshard has visited the picket line and came to the union hall and talked to the membership. He shared some of his views with us, and what he would like to see for southern Illinois. Local 438 feels that Glenn Poshard is the best choice to serve this district as state senator. Paul Simon and Ken Gray have also been very helpful to Local 438. Bob Winchester did come to the picket line and tell us that he would help, but, then go 60 miles from here and say something completely different. By the way, Winchester came very quietly not really wanting the general public to know that he had been there. I am proud to say that Glenn Poshard, Paul Simon and Ken Gray came boldly and said that we were getting a raw deal, and that they would try to help us. Local 438 would ask all unions and the working people of Metropolis and Massac Co. to look at us and realize that this could happen to them. We would ask all of you to go to the polls on Nov. 6 vote for Glenn Poshard, Paul Simon and Ken Gray. The future of the working people can improve only if we put people into office that have our concern in their heart. Local 438 feels that these men have just that.

Thank you very much,
James R. (Bob) Fisher
Recording Secretary
Local Union No. 438
Humma Apts.
Metropolis

Editors Note: Since this is the last issue prior to the election, the Planet followed its regular policy and notified Rep. Winchester of the above letter so he would have an opportunity to respond.

Dear Editor:

Thank you very much for the opportunity to respond to Mr. Fisher's letter. The following is the chain of events that occurred as far as my involvement in the Missouri-Portland management issue.

I was contacted by members of the local, requesting that I intervene on their behalf, to force Missouri-Portland back to the bargaining table. I indicated to them that this was a labor-management issue, and was something that would really have to be determined in a court of law - that no elected official had the power and influence to force a company to negotiate. Attorneys representing the union would have to obtain unjunctions and file complaints with the National Labor Relations Board.

I was requested to visit with the union members, but unfortunately at the time the legislature was in session and it would require me to miss the opportunity to vote on key legislative issues important to Southern Illinois.

I was requested to contact the president of the local - which I did. We discussed the strike and the need to negotiate on at least a half a dozen occasions. I contacted the Governor's office and Terry Bedgood - special assistant to the Governor on Labor issues. Bedgood and I both had a conference call with Sid Rice - International Business Representative for Local 438. Bedgood and I were both convinced that there was serious need to bring Missouri-Portland and Local 438 back to the negotiating table. At that point, and at my urging, the Governor's office attempted to contact Portland Cement in St. Louis, regarding the matter, they refused to discuss the issue.

That was all that I or any other elected official could do regarding any furhter negotiations.

The president of the local was quite concerned about the amount of state police protection being provided Portland. He indicated that this was embarassing to the union and that the situation was being blown out of proportion. With the help of the Governor's office, the Department of Law Enforcement was instructed to review the need for this degree of manpower. Within 24 hours, 25 state police were removed from the site.

This was done based primarily on the assurance from the president that there would in fact be no trouble caused by his members toward Missouri-Portland. If there had been trouble those state police would have returned - he agreed.

To further show my support of Local 438, I gave a $300 donation to their welfare fund, which I understand they gave to one of their members who had recently been released from a local hospital.

After the legislative session adjourned, I visited the picket line on two different occasions. Mr. Fisher's letter indicated that I came very quietly, not really wanting the general public to know that I had been there.

The truth of the matter is, that I went because I was genuinely concerned about the problem, and not trying to capitalize on Local 438's situation, in order to benefit my own political career. Instead, I was trying to find out what I could honestly do to help.

Other politicians were more interested in the TV, radio, and newspaper coverage they could obtain, and have yet to offer any suggestions, or do anything, to my knowledge, that would be benificial in helping Local 438 solve their problems.

Maybe I made a mistake - maybe I should have gotten the maximum media coverage available and then forgotten the issue. That's what all the other candidates have done.

As a state legislator, I have done all that is within my power to do that would help Local 438. Unfortunately, it is beyond my power to resolve their problem.

Sincerely yours,
Robert C. Winchester
State Representative

HATCH EXHIBIT #11

The CHAIRMAN. That is a long statement, but I will just read a few parts of it. I have put the whole matter into the record so anybody can look at it who wants to.

He says:

I contacted the Governor's office and Terry Bedgood, special assistant to the Governor on labor issues. Bedgood and I both had a conference call with Sid Rice, International Business Representative for Local 438. Bedgood and I were both convinced that there was serious need to bring Missouri-Portland and Local 438 back to the negotiating table.

Then he goes on to say:

The president of the local was quite concerned about the amount of State police protection being provided Portland. He indicated that this was embarrassing to the union and that the situation was being blown out of proportion.

With the help of the Governor's office, the department of law enforcement was instructed to review the need for this degree of manpower. Within 24 hours, 25 State police were removed from the site.

Are you familiar with that?

Mr. NARGELENAS. No; I am not, sir.

The CHAIRMAN. Do you know if Mr. Winchester was correct in making those statements?

Mr. NARGELENAS. I did not speak with Mr. Winchester.

The CHAIRMAN. Mr. Nargelenas, are you familiar with Sgt. Duane Weatherington?

Mr. NARGELENAS. Yes, sir.

The CHAIRMAN. He worked for Lieutenant Richter, did he?

Mr. NARGELENAS. Yes.

The CHAIRMAN. Are you aware, Mr. Nargelenas, that Sergeant Weatherington met with Missouri-Portland personnel on Thursday, March 14, 1985?

Mr. NARGELENAS. No; I am not. I would have to ask Lieutenant Richer. I am not aware of that situation.

The CHAIRMAN. Are you aware that during that meeting, Sergeant Weatherington claimed that it was Bob Winchester who was responsible for having the State police removed from their patrolling of the plants?

Mr. NARGELENAS. No; I am not, sir, but I can have that looked into and investigated.

The CHAIRMAN. Lieutenant Richter, do you have anything to say about that? Are you aware of that?

Mr. RICHTER. I am not aware of it at all, sir.

The CHAIRMAN. What do you believe, Lieutenant Richter, is the proper role of the local or State police involved in a labor dispute, or with regard to a labor dispute?

Mr. RICHTER. Well, as the superintendent has explained, as I see our role, it is to support local authority, county authority. We will react to emergencies, but outside of that, we would like to be requested to assist.

The CHAIRMAN. Do you feel that the State police have an obligation to ensure the entry and the exit from all businesses regardless of whether or not they are being struck by union members?

Mr. RICHTER. Well, that is a question easily put and hard to answer.

The CHAIRMAN. Why is it hard to answer? What is tough about that? The law says they have a right to get onto their own premises and have their own employees come on their premises.

Mr. RICHTER. Well, Senator, I deal in the tactical situations. I would leave the strategy, the philosphy, up to the superintendent. If you have a set of facts, I can deal with that.

The CHAIRMAN. Well, my facts are that the company said they were prohibited from getting into their plant because of pickets blocking the gate. Don't you think it is part of the State police's obligations to get in there and get the pickets the heck out of the way of the gate so that owners can go on their premises if they want to in order to bring in their new workers if they want to?

Mr. RICHTER. Whenever the sheriff requested our assistance to do that, we went to the scene, and we facilitated entering the gate or exiting the gate.

The CHAIRMAN. You did that on each and every occasion you were asked to?

Mr. RICHTER. Each and every occasion. Yes, sir.

The CHAIRMAN. Do you feel that the State police have an obligation to ensure the safety of all people who choose to cross a picket line?

Mr. RICHTER. Yes, sir.

The CHAIRMAN. You do.

Now, Mr. Nargelenas, roughly how many reports of criminal activity have been made to the Illinois State Police concerning violence at the Missouri-Portland facility there at Joppa?

Mr. NARGELENAS. I would estimate approximately 25.

The CHAIRMAN. About 25 reports. How many of those reports have resulted in an arrest or an indictment?

Mr. NARGELENAS. There were—in one case an arrest was made. In several other cases, I believe in six cases, we did take the information to the State's attorney, who did call for a grand jury hearing.

The CHAIRMAN. Prior witnesses have testified that on June 16, 1984, vehicles attempted to enter the facility at Joppa and were denied access. Only one truck was allowed to enter after it had been inspected by striking union members.

Were the Illinois State Police at the entrance to the Missouri-Portland plant on June 16, 1984?

Mr. NARGELENAS. Yes, we were, sir.

The CHAIRMAN. Why weren't the other vehicles allowed to go in, then?

Mr. NARGELENAS. Well, from the information I have, there were no problems there at the scene at the time. In fact, there was agreement between the picketers that were standing there and also the people that were coming in. They, according to the troopers, even offered to allow the people, the picketers, to inspect the vehicles to ensure that there weren't any people being brought in to work and that type of thing.

We had no problem with that as long as it was by mutual consent that they wanted to do that.

The CHAIRMAN. Why was Mr. Pugh turned away, then? He testified on the 27th that he was turned away by you—and he did so under oath—by the State police.

Mr. NARGELENAS. Not that I am aware of, sir.
The CHAIRMAN. But you don't know, then?
Mr. NARGELENAS. No.
The CHAIRMAN. You weren't there, were you?
Mr. NARGELENAS. No.
The CHAIRMAN. Were you there, Lieutenant Richter?
Mr. RICHTER. No, I wasn't.
The CHAIRMAN. So you don't know, either, then?
Mr. RICHTER. Well, I have a report from a trooper who was there.
The CHAIRMAN. Go ahead.
Mr. RICHTER. His report indicates that——
The CHAIRMAN. What is his name, first?
Mr. RICHTER. It was Trooper Rockwell, sir. Glenn Rockwell.
The CHAIRMAN. Where does he live? Do you know where he lives?
Mr. RICHTER. He lives in Vienna or near Vienna, IL.
Trooper Rockwell indicates in his report that the decision to leave the area was made by Mr. Pugh, that he—Trooper Rockwell—had informed the people at the gate, the striking employees, that they could not impede the truck's entry into the plant.
I might also add that at the time, Trooper Rockwell was there by himself, and very prudently——
The CHAIRMAN. Was he concerned about his safety?
Mr. RICHTER. I am sorry, sir?
The CHAIRMAN. Was he concerned for his safety?
Mr. RICHTER. I cannot tell you that. It would be extraordinary for us to assign a single trooper to handle any event of that size, though, and he would be waiting for a backup unit. That is just SOP.
The CHAIRMAN. Do you know if any of your troopers were ever concerned about their safety or the safety of anybody else at or near that plant?
Mr. RICHTER. I don't know it. The troopers felt, themselves, it is their job; it is their work. I hardly think that they were concerned with their safety beyond what a prudent man would be.
The CHAIRMAN. Lieutenant Richter, did you ever state that, "It is the dictum of labor law in Illinois that the State police will not get involved until someone has been injured or killed," or words to that effect?
Mr. RICHTER. I said no words to that effect. It isn't true.
The CHAIRMAN. You didn't say anything like that?
Mr. RICHTER. I didn't say that.
The CHAIRMAN. Well, did you say anything like that?
Mr. RICHTER. I hardly can—I wouldn't say anything like that.
The CHAIRMAN. OK. Mr. Nargelenas, on June 16, 1984, a temporary restraining order was entered that prohibited the union from blocking access to the plant and from having more than three pickets on the line at one time. Yet on June 19, as we have seen on the videotape, a mob of pickets stopped at a Xerox serviceman's car, and Garold Blanchard broke its windshield.
On June 30, as we saw on tape, another mob entered plant property and—well, we didn't see that on tape, but we will have to see if it is there—entered plant property and threw nails on the road. Now, why didn't your troopers enforce the law in these instances?

Mr. NARGELENAS. I think, Senator, that they did. In the first instance, I think it is even in the videotape that as soon as the incident was taking place, you could hear a siren, which was one of our squads that was approaching the scene.

As soon as the trooper noticed that there was a situation going on that could be dangerous, he immediately proceeded to that location, and at that point in time, the individual did surrender to the trooper, and the trooper placed the individual under arrest.

The CHAIRMAN. Why didn't the trooper get out of the car? He stayed in his car the whole time.

Mr. NARGELENAS. I don't believe that is true, sir. I believe he did get out of the car. I don't know if you can see it on the videotape or not.

The CHAIRMAN. The tape showed he did not.

Mr. NARGELENAS. Pardon me?

The CHAIRMAN. The tape showed he did not get out of the car. I would be happy to play it again, but that is what it shows.

I will tell you what bothers me. We had a number of people come in here under oath and testify to all these incidents of shootings, and one guy even got hit with a bullet, shootings into homes, people being beaten up, arms broken, nails thrown everywhere, tires slashed, threats and intimidation, blocking of the way, obscenities, et cetera, et cetera, and yet nothing seems to really have been done to resolve these problems

Mr. NARGELENAS. No, sir, that is not true. As much as possible, we have conducted investigations. There are several investigations that are still going on at this point in time in regard to some of the incidents that did take place.

The CHAIRMAN. Do you feel that you might be able to press charges on more than one of the 25 accusations that you have had come your way?

Mr. NARGELENAS. We are not sure at this point in time. I would have to go back and review the cases. We are hoping to make some more progress on them.

As before, in the other cases, as I mentioned, we made an arrest in one, and in six others we asked for it to be brought before—we took it before the State attorney. He called for a grand jury hearing. In most of those cases, no true bill was brought about.

In some cases, rather than go through the criminal system, they went the civil route and handled it that way, and then the State's attorney, once it was handled—for instance, I believe one individual received, I think it was 45 days and a $1,200 fine. At that point in time, the State's attorney decided not to proceed on criminal charges.

The CHAIRMAN. In all of those 25 allegations, were they all made against the picketers, or were they made against both sides?

Mr. NARGELENAS. Well, many of the incidents that took place—as a matter of fact, in most of these incidents—they did not take place there at the main gate area. Many of them took place other locations, which was hard for us to provide—for instance, I can tell you that, normally, the county only has one trooper patrolling that county. That is all that we have on a normal detail.

When this incident happened, at that time, 21 patrol units were sent to that site, and once we saw that things were rather peaceful

there at the main gate area, then at that time we started de-escalating the numbers of troopers that we had.

However, we did keep up patrols in the county area. However, it was very hard to patrol all areas. We did provide escort for trucks as they were coming and going, things such as that. So we did our best to try to prevent any damage to property or injury to personnel.

The CHAIRMAN. Do you think, if you had kept troopers at the gate, you could have prevented an incident like what happened to J.J. Badalich that was described here today and also on February 27?

Mr. NARGELENAS. Which incident was that, sir?

The CHAIRMAN. That was the log-throwing incident.

Mr. NARGELENAS. OK. I think I have that.

The CHAIRMAN. See, that occurred right there at the picket line. In fact, it was right at the gate.

Mr. NARGELENAS. Well, I cannot say for certain, sir, if there had been a trooper there at that point in time, maybe the incident could have been prevented, but there were situations and times—for instance, for us to commit that type of police resources for a long, extended period of time causes us problems in other areas that we need to also provide patrol coverage for.

As I said before, the decision to reduce the number of troopers was made by the commander on the scene, because for me, sitting in Springfield, it would be hard for me to make that type of decision. I don't know exactly how many people were there, what the situation was like, and so that is one that we allowed the on-scene commander to make that type of decision.

The CHAIRMAN. Well, let me make a suggestion to you. We know that a lot of this stuff quit when our investigators started to investigate it.

It bothers me somewhat—I am not meaning to blame the State police, although it bothers me that more help wasn't given out there—but my experience in labor relations is that once these hearings are over, and once the employees have a right to vote to decertify, that there is a good chance you will have an escalation in some of these incidents again.

Like I say, the reason I brought out 1973 is to show there has been a pattern in the past of what has gone on here, even though the union president has denied that his members have done, really, anything other than the few incidents that he has admitted that they did.

I sure hope that you people will get out there and make sure that this is carefully monitored and watched because, frankly, you are about all we have to depend on to stop picket line violence and other types of violence that have occurred and that may occur in the future. But it is probably going to get worse if you don't stay right on top of it.

Mr. NARGELENAS. Yes, sir.

The CHAIRMAN. This committee is going to stay right on top of it. We are very concerned about these types of things and the incidents that have been alleged here, frankly, on both sides. But the vast majority of them have been alleged against the picketers rather than against the company, although we have had some ac-

cusations about Mr. Nuckols which, it seems to me, we will do some more checking on. However these accusations are not directly related to the issue of picket line violence, which we are concerned about in this particular hearing.

Mr. NARGELENAS. Well, as I mentioned, also, Senator, we are concerned about these situations, as one of our duties, of course, is to protect life and property, and that is what we were attempting to do in this situation, and yet maintain a neutral attitude toward both parties.

The CHAIRMAN. Sure, and I think that is all you can do.

I want to thank you for appearing. I have got a number of other questions, but to save time, I will just submit them to you in writing, and if you can respond to them, we would appreciate it very much.

Mr. NARGELENAS. Yes, sir.

[The following material was subsequently supplied for the record:]

DEPARTMENT OF LAW ENFORCEMENT
DIVISION OF STATE POLICE
LAIMUTIS A. MARGELEVIS - SUPERINTENDENT

April 19, 1985

The Honorable Orrin G. Hatch
Chairman, Committee on Labor & Human Resources
United States Senate
Washington, D.C. 20510

Dear Congressman Hatch:

I know you were concerned that there might be additional problems at the Missouri-Portland Cement Plant at Joppa due to the absence of private security guards. During this time, we increased our patrol coverage in the area of their Plant (copy of request included). We experienced no problems during this period and received complimentary remarks from their management personnel thanking us for our assistance and the excellent job we were doing. We have been advised that Missouri-Portland Cement has now replaced the previous security personnel with an approved security force.

We looked into the situation brought out in your hearings where it was alleged that one of our Command personnel had made a statement that the politicians had caused the removal of State Police personnel from the Joppa strike detail. Our Sergeant was emphatic in his denial of having originated any such statement. He recalls the conversation with Mr. Brekhus and pointed out during his conversation that he had read a newspaper article wherein former State Representative Robert Winchester had taken credit for being instrumental in having State Police personnel removed from this detail. I am including a copy of that newspaper article for your information. It is obvious from the letter authored by Mr. Winchester that he indicated that the Governor's office directed the Department of Law Enforcement to review the need for manpower on this detail. He further stated that within twenty-four hours, twenty-five State Police were removed from the site. I have discussed our involvement and direction with my Field Operations Commander, Deputy Superintendent William Pierce. He is just as emphatic that he received absolutely no interference or direction from the Governor's office or any other governmental official. He did have daily conversations with Captain Niepert and Lieutenant Richter concerning our deployment of manpower based upon the minimal number of problems that were occurring at that time. It was mutually agreed between his office and the District

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that, based upon the decreasing number of problems, we would gradually reduce our manpower commitments. This decision was based solely upon an objective evaluation of the problems at that time.

I appreciated the opportunity to testify before your Committee and I hope the above information will help clarify previous concerns and keep you informed of present circumstances.

Very truly yours,

James B. Zagel
D i r e c t o r

By: L. A. Nargelenas
Superintendent

LAN:pmc
Enclosures
cc: Congressman Simon

WESTERN UNION
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LIEUT RICHTER
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PMS LIEUT. RICHTER, PHONE
RT 2 BOX 86
DUQUOIN IL 62832
BECAUSE OF CERTAIN ACTIONS TAKEN BY THE STATE'S ATTORNEY FOR MASSAC COUNTY MISSOURI PORTLAND CEMENT COMPANY AT ITS JOPPA PLANT IS CURRENTLY UNPROTECED BY SECURITY GUARDS. IT MAY TAKE SEVERAL DAYS TO REMEDY THIS SITUATION DURING WHICH TIME THERE WILL ONCE AGAIN BE SUBSTANTIAL RISK FOR CONTRACTORS, EMPLOYEES, SUPERVISORS AND OTHERS WHO MUST USE OUR FRONT GATE. WE ARE REQUESTING THAT PATROLS BE INITIATED BY THE ILLINOIS STATE POLICE ON A REGULAR BASIS SO THAT THE LAWS CAN BE INFORCED. WE ARE ALSO ALERTING THE SHERIFF TO THIS SITUATION BY COPY OF THIS TELEGRAM AND ARE ASKING THAT HIS PATROLS BE INCREASED.
JERRY L. MCINTYRE, MISSOURI PORTLAND CEMENT COMPANY
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The CHAIRMAN. Let's turn to Senator Dodd.

Senator DODD. Thank you very much, Mr. Chairman, and my apologies to you and our witnesses for coming in here a bit late, but we are in a markup on the foreign aid bill down the hall, and we are trying to set some budget figures in that particular discussion, so I apologize for arriving late.

You may have already answered some of these questions, and so if I am being duplicative, I apologize to you in advance, and if the answers have been provided, you can just indicate that or repeat them if you would for me.

But let me just try to get down and establish as clearly as I can the background of your relationship to the allegations raised by the company and others in previous testimony.

First of all, can you tell us how many—you are familiar, I presume, with the hearing transcript that the company testified to back in February.

Mr. NARGELENAS. Yes, sir, I had a chance to review it last evening.

Senator DODD. You have, too, Lieutenant Richter? You read the transcript of the last hearing on this issue?

Mr. RICHTER. Yes, sir.

Senator DODD. How many of the cases—they cited a number of cases in that testimony—how many cases were presented to the grand jury and resulted in indictments; how many were presented and dismissed? Do you have those numbers?

Mr. NARGELENAS. As I can recall, to the best of my knowledge, I believe there were approximately six that we went to the State attorney and asked for prosecution. He called for a grand jury on those, and none of those—they came back with a no bill on all six.

Senator DODD. They dismissed all six?

Mr. NARGELENAS. Yes, sir.

Senator DODD. A number of cases which were referred to you did not result in the presentment, as you just pointed out, in grand jury. Can you tell us at all what the rationale was for failing to indict? Are you familiar at all with what the arguments were in those particular cases and why they were dismissed?

Mr. Nargelenas. No, other than on one case we were aware that it was a situation in which the individual told our trooper that he could not identify the individual that had committed this action; however, two other people could. Later on in testimony, the individual then stated that he could identify the individual.

The trooper was called forward, and having been sworn, he could not lie. He said no, that the individual had told me on his original statement that he could not identify the individual, and so then the case was dismissed, as I understand it. That is the only one that I am aware of in regard to the information that was given to me.

Senator DODD. Are any of those cases still under investigation?

Mr. NARGELENAS. Of those six, yes, I believe we are still looking at some additional information and evidence, except for the one which was a problem with the witness.

Senator DODD. Now, as I believe, the company talked about some 100 cases—am I correct?—of violence. Are you familiar with that?

Mr. NARGELENAS. No, sir, I was not.

Senator DODD. That was part of their testimony in February.

The CHAIRMAN. I think that includes the sheriff's office allegations.

Senator DODD. Correct, yes.

Mr. NARGELENAS. I may have missed that when I read that. There were several cases that we were not involved in ourselves, personally, that were handled by the Massac County Sheriff's Department.

Senator DODD. Are you familiar with the fact that a number of these cases that were cited by the company were in fact reported to the committee staff on this committee before you were ever notified of them?

Mr. NARGELENAS. Yes, sir. There were several cases, and we have responded to some of those in our written testimony that the first time we ever heard about these incidents is when we were advised by committee staff.

Senator DODD. Well, I think that is extremely important to note. As just normal procedures, if there are acts of violence, certainly the first people you would bring that information to the attention of would be, I presume, police authorities, whether it be the sheriff's office or the State police, and while we like to maintain our prerogatives here, it is a rather backward way of approaching criminal justice.

I wonder if you might give us some indication. You said a moment ago in response to the chairman's question that generally, as a proposition, State police remain neutral in labor disputes.

Could you be a bit more specific about that policy? Other incidences, possibly, that you may be familiar with around the State where there have been requests made by the State police to become involved in matters such as we have before us here today.

Mr. NARGELENAS. Well, those do happen on quite a few occasions. There have been several instances, for instance, with teachers 'strikes in which school boards have asked us to step in and do certain things, and once again, there we have always taken the position that if the local authorities, either the municipality or the county in which the strike is taking place, if they were requesting our assistance, then that would be our position. We did not want to be seen as strikebreakers or anything like that.

At the same time, we are put in a very tough position, and in most cases, in most of these situations, as was mentioned in earlier testimony, the union members would prefer to see fewer police officers at the scene. Management would prefer to see more police officers at the scene. So we try to balance that. At the same time, our main concern, though, is with the protection of property and the lives of the citizens that are there.

Senator DODD. But, as a general proposition, you respond more to local police authority requests rather than management or labor in these kinds of situations?

Mr. NARGELENAS. Yes, sir.

Senator DODD. And that is the standard operating procedure throughout the State?

Mr. NARGELENAS. Yes, sir.

Senator DODD. To your knowledge, is that also the standard operating procedure of most State police agencies throughout the United States?

Mr. NARGELENAS. In regard to most State police agencies, I believe that is accurate.

Senator DODD. I thank you. I thank you for coming here today, and if I have asked questions, as I said at the outset, that you have already responded to, I apologize, but I appreciate your being here.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Simon?

Senator SIMON. Thank you, Mr. Chairman.

First, just one minor correction of the record. The chairman referred to a mob stopping the car out there. I don't condone more than three people being on the picket line, but the videotape showed, I think, six people there. Six is not quite a mob.

In the testimony last month, the chairman asked, "How many incidents of violence against company personnel or property have you reported to the State and local authorities since the strike began last June 15?"

Mr. Lang replied, "Easily 100 or more such instances." Is that accurate?

Mr. NARGELENAS. That would be quite a few more than we are aware of.

Senator SIMON. All right. The Illinois State Police is, I think, generally regarded as one of the finest State police, professional police groups, in the Nation. That certainly has been my impression.

You have read the record of the last time which is fairly critical of the Illinois State Police. Is that criticism justified, in your opinion?

Mr. NARGELENAS. No, Senator, I don't believe that it is in that, first of all, we did not receive a single complaint from anyone in regard to the actions of our troopers at the scene. For instance, if an individual is stopped by a trooper, let's say a motorist who is traveling down the highway, and the motorist feels that the trooper mishandled the situation, was not courteous, they can write in, they can call in, and we would conduct an investigation.

In this case, I do not recall any complaints except from the standpoint that we were requested to send more people to the strike scene, and that was something that I had to leave up to the lieutenant at the scene to decide how many troopers were enough to handle that.

We could have, as an example, brought in troopers from all over the State, as we did initially, to be sure that there wouldn't be any violence. There were troopers brought in from three of four different districts to assist. But once we saw that there was not that need for manpower, at least from Lieutenant Richter's position, at that time we reduced the number of troopers we had at the scene.

Senator SIMON. But there were no complaints on the part of anyone, to your knowledge, about how you conducted an investigation or how your police conducted themselves?

Mr. NARGELENAS. I did not receive a complaint, sir.

Senator SIMON. Do you have any evidence at all that Mr. Beck, who testified here earlier, or officers of the union are engaged in a pattern of planned violence against the plant?

Mr. NARGELENAS. From our investigations, we have no evidence of that at this time.

Senator SIMON. I thank you very, very much. I appreciate your testimony.

The CHAIRMAN. Well, thank you. We will keep the record open and allow people to submit questions to you, and we appreciate your coming here and appreciate your testimony.

Mr. NARGELENAS. Thank you, Senator.

The CHAIRMAN. Thank you so much. We will now call Mr. Robert King, who is a member of local 438 from Metropolis, IL. Let's call the three last witnesses to the table: Robert King, a member of local 438, Metropolis, IL; James H. Anderson, member of local 438 from Karnak, IL; and Greg Peterson, former security guard of Missouri-Portland Cement Co. in Joppa, IL.

Senator SIMON. Mr. Chairman, if I may inquire what our plans are——

The CHAIRMAN. I think we can wrap this up as quickly as possible. I don't have any time this afternoon; that is my problem. I don't think this needs to be very long. At least that is my impression. But where are Mr. King and Mr. Anderson? Come right up. Mr. King, you sit right there, and Mr. Anderson, you sit in the middle.

As I understand it, neither of you wants to make a statement; you will just respond to questions. Is that it, or do you want to make a statement?

Mr. KING. It doesn't matter to me. Any way you want to conduct it.

The CHAIRMAN. Senator Simon, as I understand it, you have some questions for Mr. King and Mr. Anderson?

Senator SIMON. If each of you could just give kind of a 2-minute statement of——

Mr. ANDERSON. Just a moment, please. Could that light there be raised up just a little bit? It is blinding me. [Laughter.]

The CHAIRMAN. It gets pretty bright around here, doesn't it, you have to admit?

Senator SIMON. Yes.

Mr. ANDERSON. We are glad to be in a bright place.

The CHAIRMAN. Well, we are glad to have you here.

Mr. King, if you would care to make a little, short statement, that would be great.

Senator SIMON. Just a 2-minute statement, each of you, about what your involvement was and what has happened.

STATEMENT OF ROBERT KING, MEMBER OF LOCAL 438, UNITED CEMENT, LIME, GYPSUM & ALLIED WORKERS

Mr. KING. I am Robert King. I am a member of local 438. I am one of the members that has been sent back into the plant, and since I have been sent back into the plant, my home has been fired upon two times, two different occasions.

The CHAIRMAN. Somebody shot at your home, you are saying?

Mr. KING. Yes, sir. It is a very nerve-wracking situation that I am working in, and my family and I have suffered mentally from this shooting at my home, and that is one thing I would like to elaborate, is the shooting.

The CHAIRMAN. Go ahead.

Mr. KING. I think that, to the best of my knowledge, this has come about because I am a member of local 438, and I am back in this plant working.

The CHAIRMAN. In other words, you have gone back to work and have ignored the strike, is that it?

Mr. KING. Yes, sir. I am back in the plant working now.

The CHAIRMAN. Do you have any idea who has been shooting at your property?

Mr. KING. No, sir. I don't have any idea.

The CHAIRMAN. As I understand it, there have been three shots?

Mr. KING. No, sir. There have been two different occasions.

The CHAIRMAN. Two different occasions?

Mr. KING. One time we found three bullet holes. They fired into my pickup truck and blew both windows out of it, and they fired—the first time, the police came out there and investigated it, and they found .22 bullets, and they said it was from a small caliber pistol because of the impact it had.

The CHAIRMAN. They had 22 actual slugs?

Mr. KING. Yes. sir.

The CHAIRMAN. Or there were .22-caliber slugs?

Mr. KING. They are .22 slugs. They found one that hit the windshield, but it was in small bits. It exploded when it hit the windshield.

The CHAIRMAN. So they found one .22-caliber slug? Is that what you are saying?

Mr. KING. There is one there now in the post that they didn't dig out, and I don't know why. I guess they haven't any need for it.

The CHAIRMAN. Is that the post on the sign between your house and the barn?

Mr. KING. No, sir. That's a light pole between my house and the highway.

Mr. ANDERSON. I believe that what he wants to know is how many shots were actually fired, don't you, sir?

The CHAIRMAN. Yes; how many shots were fired at your car, if you know?

Mr. KING. The first time they fired three shots, and the next time they fired five shots from a .38-caliber pistol.

The CHAIRMAN. I see. Was anybody in the car at the time?

Mr. KING. Pardon?

The CHAIRMAN. Was anybody in the car at the time?

Mr. KING. No, sir. This was early in the morning, 12:30.

The CHAIRMAN. This was while you were still in bed?

Mr. KING. I was still in bed, the first time. I wasn't at home the second time. I had just got off work and I was on my route home. My wife was there and two of our friends were there, and this was on New Year's Eve night. They pulled up out there and fired into my property. My neighbors were standing in the front yard across the street and witnessed this.

The CHAIRMAN. Did he know who it was, or did he describe the car or anything?

Mr. KING. They described the vehicle. When they first called the police, they misrepresented it and said it was a station wagon, and the next time, the husband told the wife that she had made a mistake, it wasn't a station wagon, it was a van.

The CHAIRMAN. I see. These were your next-door neighbors?

Mr. KING. Across the street.

The CHAIRMAN. So what you are telling us here today is that somebody has shot into your car, into your property, and you believe they shot at your home.

Mr. KING. Well, there is no doubt they shot at my home, because there is evidence of it.

The CHAIRMAN. Now, is it true that you were one of the first union members to be hired back by Missouri-Portland Cement Company following the June 15, 1984, strike?

Mr. KING. I was one of the first 12, yes, sir.

The CHAIRMAN. One of the first 12 union men. When were you hired back?

Mr. KING. October 29, 1984.

The CHAIRMAN. About how many of your fellow union members in local 438 have been hired back by the end of, say, last year?

Mr. KING. Twelve.

The CHAIRMAN. Twelve of you have gone back to work, then?

Mr. KING. Yes, sir.

The CHAIRMAN. That is 12 out of how many union members who used to work at that plant?

Mr. KING. About 115.

The CHAIRMAN. About 115. So there are about 103 who are not working. Is that correct?

Mr. KING. No, sir. Since the first of the year, they called back six more.

The CHAIRMAN. So you've got about 18 out of 115.

Mr. KING. We have 18.

The CHAIRMAN. So there are about 97 who are not working?

Mr. KING. Yes, sir.

The CHAIRMAN. Are they supporting the strike?

Mr. KING. Yes, sir.

The CHAIRMAN. And you 18 are not supporting the strike; you have gone back to work?

Mr. KING. Well, I don't know whether you call it supporting it or not. We are still involved with the strike even though we are in the plant.

The CHAIRMAN. But you are working, though the 97 are not, right?

Mr. KING. Yes, sir. It is a real difficult situation. I have never faced anything like this, and I have been a member of the union for 35 years. It makes it very difficult for you to make decisions, since you are involved inside and outside.

The CHAIRMAN. Sure. Have these other 97 workers found comparable work or any kind of work around Joppa, or are they just basically still on strike?

Mr. KING. Maybe half a dozen of them have, but not very many.

The CHAIRMAN. Most of them have not worked since the day of the strike last year?

Mr. KING. Yes, sir.

The CHAIRMAN. So you have been one of the more fortunate members of the union as far as work is concerned?

Mr. KING. As far as work is concerned, but as far as mental anguish and stress and strain, no, sir. I think I am in a worse position than they are.

The CHAIRMAN. Have any of them expressed any resentment toward you for going back to work? Have they called you a scab or a union-buster?

Mr. KING. No, sir. I talked with most of them personally and asked how they felt about me going back in there, and they thought that this was the only way that we have to accomplish anything.

The CHAIRMAN. Was for you to go back to work?

Mr. KING. Yes, sir.

The CHAIRMAN. But the ones you talked to are not going back voluntarily themselves?

Mr. KING. I didn't understand you.

The CHAIRMAN. The ones you talked to are still on strike, is what you are saying.

Mr. KING. Yes, sir.

The CHAIRMAN. Now, when you went back to work, you went back to work, what, at $10 an hour rather than the $13 an hour?

Mr. KING. Less than that, sir. I went back at $8.95, and I came out of there making $13.57.

The CHAIRMAN. So when the strike occurred, you were making $13.57, and what are you making now?

Mr. KING. I have been moved up since I went in there. When they hired these other six the first part of the year, there was an opening with higher pay, and I moved up, and I am making $10.30 now.

The CHAIRMAN. So you are making about $3.30 less than you did when the strike occurred?

Mr. KING. Yes, sir, about $115 a week less than I made when I came out of there, and I was making about $150 less.

The CHAIRMAN. But you don't know who has taken these shots at your car or your property?

Mr. KING. No, sir. I don't have any idea.

The CHAIRMAN. Did you report it to the police?

Mr. KING. Yes, sir.

The CHAIRMAN. And what did they do about it?

Mr. KING. They said they were going to investigate it. That's all.

The CHAIRMAN. Have they done anything about it, to your knowledge, since?

Mr. KING. Not to my knowledge.

The CHAIRMAN. Do you have any questions?

Senator SIMON. Yes; if I could, and then, unfortunately, I am running way late on another meeting I am supposed to get to.

You mentioned you are working for that much less. What are conditions like in the plant?

Mr. KING. I don't really know how to explain them. I think the conditions are much unsafer than they were when I came out of there because of the conditions of the plant. There is much more material that is not cleaned up, and the plant seems to me much more run-down than it was when we left.

I look at everything from a safety standpoint, and it doesn't look near as safe as it did when I left there.

Senator SIMON. So the safety conditions are not what they should be. Have you talked to anybody in the company about it?

Mr. KING. Yes, sir.

Senator SIMON. And has it resulted in any improvement?

Mr. KING. In the last week or so, they have brought in some more people. I don't know what they call them, contractors or something, and they are working on cleaning this up, but I feel like all they are doing is replacing some of our people that should be in there. I don't know what they are, but they are doing labor type of work, cleaning.

We have build-ups on the roofs of foreign materials, cement and stuff, maybe 40, 50, 60 tons on these roofs, and I am not sure what the roof will hold. I am kind of leery about walking under it.

Mr. ANDERSON. Well, one of the roofs, the beams have done been bent, and it is trying to fall and has done been repaired since we went in.

Senator SIMON. So that there are safety problems in addition to the others.

Mr. KING. That is my opinion. I am not an expert on safety.

Senator SIMON. In your opinion—and I recognize you don't have the evidence on this—but in your opinion, has the union been involved, the union officials been involved, in any of the planned violence that you have experienced?

Mr. KING. No, sir. Mr. Beck and Mr. Barnhill have repeatedly expressed, do not cause violence. A number of times when accusations were made, he would come and ask me if I knew anything about it, and I would say no, I don't know anything about it, and he said, Well, whatever you do, don't create any violence because it only creates problems for the union.

Senator SIMON. And so, when the State police testified here before in response to my question that they had no evidence of any union plan for violence whatsoever, as far as you know, the State police's statement is correct?

Mr. KING. As far as I know, Local 438 has never had any plan for violence.

STATEMENT OF JAMES H. ANDERSON, MEMBER OF LOCAL 438, UNITED CEMENT, LIME, GYPSUM & ALLIED WORKERS

Mr. ANDERSON. That is another thing there, Senator, that we came an awful long ways from home to find out, is the flat tires that Mr. Sullivan was having.

Now, our farm equipment goes up and down this same road. Now, you have to realize that there are three plants right there together. It starts out Commercial Transport, EEI, the trunk-line gas company, and the Missouri-Portland plant.

There are approximately over 2,000—this is by county records and count—vehicles that go down this road daily, and Mr. Sullivan is the only one that I know of—I am referring to the farmers, which my father is one—is the only one that has tire trouble.

It kind of makes you wonder how come his trucks pick up nails and the farmers' don't, and why the automobiles are not having a lot of car trouble because there are people in the vicinity going to work, traveling that road from two to five times a day.

The CHAIRMAN. Yes; I think it is odd that he is the only one singled out, but he has testified that they have thrown them right in front of his tires.

Mr. ANDERSON. Yes; but again, let's assume that a bunch of nails, tacks, et cetera, are thrown in front of his tires. Are we saying that all of these are picked up every time?

Senator SIMON. May I ask one other question of the witnesses? There have been some allegations that there is drinking and other conduct within the plant now that is not——

Mr. ANDERSON. Yes, sir, there is .

Senator SIMON. Is that correct?

Mr. ANDERSON. That is correct.

Senator SIMON. Can you give us—explain what is happening?

Mr. ANDERSON. Well, before I went in, according to—I started back to work with Bob King here on the same job, but now I moved into maintenance, which is a little more money, but the men really hated us—the scabs, we naturally called them—hated to see us come in there because their drinking has been shut down to a certain amount. They can't do it openly—now, this is what they tell me—like they did.

One said that the company was actually supplying them with drinks, and when they would start getting low, he said he was making good money selling it. I didn't know why he would fib about it, you know.

Mr. KING. Another thing I would like to mention on this alcohol being in the plant, I have seen a certain individual with alcohol myself. On Saturday there are very few supervisors in the plant, maybe two, maybe three, and on Saturday evening, when the evening crew came in to relieve me when I was on days, I actually saw the man bringing beer in a plastic bag, a double plastic bag, and iced down.

I have also seen marijuana in the ash trays in this plant, and I made it very clear to my foreman that I would not work with anyone under the influence or alcohol or drugs, and he could just take him home or take me home, whichever way they wanted to do it, but I definitely will not work on my job where somebody is under the influence of alcohol or drugs, because it is easy enough to get hurt, but it is much easier when you are under the influence.

Senator SIMON. If I may just add one other word here, Mr. Chairman—I appreciate your yielding to me—if any one of the three of you runs into problems with your company, I hope you will get back to me or my office or to this committee immediately so that we can know about it. We appreciate your courage in coming here and testifying.

Mr. ANDERSON. We thank you very much for the opportunity of being here.

The CHAIRMAN. Go ahead, Mr. King.

Mr. KING. I have never had any problems with my supervisors in the 22 years I have been in this plant.

The CHAIRMAN. With the company supervisors?

Mr. KING. Yes, sir. No problems at all with any of them prior to or up till now.

The CHAIRMAN. Well, that has been my impression.

Mr. KING. Pardon?

The CHAIRMAN. That has been my impression as well.

Mr. ANDERSON. They are, I will have to say that, their supervisors are fine.

The CHAIRMAN. They do a good job?

Mr. ANDERSON. We have had no problems. In the nearly 22 years I have been there, we have had no problems, and they are still that way.

Mr. KING. There is one thing I don't understand. I have been working for this company 22 years. Mr. Sullivan got up here and made his complaints about them shooting into his home. He does not work for this company directly.

The CHAIRMAN. That is right.

Mr. KING. He is employed by Commercial Transport. Commercial Transport only hauls cement out of that plant to the suppliers that they supply it to.

They also have another guy that—his car was fired into, and his father is a foreman in that plant, or he is a maintenance coordinator.

This company has run two-page ads in the local paper, a full-page ad in the local paper, and offered a $10,000 reward. I have been there 10 years. They didn't put one word in the paper and they didn't offer one nickel. They haven't said one thing to me, and then they try to make me think they really care about my health, my welfare, and my state of mind or anything. It is very strange to me.

The CHAIRMAN. Was that man's name who also was shot at Wade Parker?

Mr. KING. Yes, sir. That is the one I was having reference to.

The CHAIRMAN. Are you aware that he accused members of the union of shooting at him?

Mr. KING. Did I what?

The CHAIRMAN. That he accused members of the union of shooting, doing the shootings?

Mr. KING. Yes, sir. I don't doubt it because we get the blame for everything.

The CHAIRMAN. I see.

Mr. Anderson, you wanted to make a statement here today?

Mr. ANDERSON. No, I don't guess I have got any more to add to it. There are other private contractors that haul in and out of this plant, and I have never heard of them having any trouble.

The CHAIRMAN. All right.

STATEMENT OF GREGG PETERSON, FORMER SECURITY GUARD OF MISSOURI-PORTLAND CEMENT CO.

The CHAIRMAN. Mr. Peterson, could you state your full name for the record and tell us where you are presently employed?

Mr. PETERSON. My name is Private Gregg M. Peterson. I am presently employed with the U.S. Army as a military police officer.

The CHAIRMAN. Now, I understand that you worked as a guard at the Missouri-Portland cement plant in Joppa, IL, during the height of the strike violence that occurred this last year, or this last summer.

Could you give us the dates of your employment at the plant and describe your job responsibilities to us?

Mr. PETERSON. Sir, I believe I was employed from June 23 to around July 28. I am not exactly sure on those dates.

The CHAIRMAN. We have heard previous testimony regarding an incident that occurred on July 7, 1984, in which a member of the union's bargaining committee named Randy Woods entered plant property on a bicycle and threw a bottle of liquid into a van in which company security guards were sitting. Were you in that company van at that time?

Mr. PETERSON. Yes, sir, I was.

The CHAIRMAN. Did you see the rider enter on the bicycle and toss the bottle into the van?

Mr. PETERSON. Well, sir, at the time he came through the gate—we had seen him periodically riding back and forth in front of the gate earlier that day, and we had him on videotape. At the time he came through the gate, I was filling out my log. I was the shift supervisor for that particular point because of my background with Hardin County educational television, with video equipment.

I was filling out my logs, and at one point one of the other security guards yells out, "He's coming through the gate," and when I looked up, by that time, he had traveled 50 feet rather fast on the bike and was right there next to me at the passenger door.

The CHAIRMAN. What was his name?

Mr. PETERSON. He was identified to me in court, after I pointed him out in court, as Randall K. Woods.

The CHAIRMAN. I see. Did you speak with Mr. Woods at the time?

Mr. PETERSON. Yes, sir, I did. I turned to him and I said what any normal person, I guess, would say, "Aren't you going to get in trouble for coming in here?"

The CHAIRMAN. What did he say?

Mr. PETERSON. He said, "No, but you are," and at that point he threw a bottle of liquid at me.

The CHAIRMAN. I see. Did the liquid hit you?

Mr. PETERSON. Yes, sir, it did. It struck me——

The CHAIRMAN. Where at?

Mr. PETERSON. It struck me on the chin, it splattered on my face and on my uniform and all over my back. Then it hit the floor, and when it hit the floor, it left a fume in the air. There was a fume in the air from where it hit the rubber.

The CHAIRMAN. Did you get hurt by it? What happened to you?

Mr. PETERSON. Oh, yes, sir. I got marks on my face right here [pointing to chin]. I got some marks on my back. I can't exactly say that they came from that substance, but, sir, I did not have them when I was working at Missouri-Portland until after this incident occurred. My face began to break out in this area, and the skin became discolored.

The CHAIRMAN. What happened to you on that occasion?

Mr. PETERSON. Well, at that point I called my shift supervisor, Mr. Terry Payne, and I said, "Terry, a stink bomb has just been thrown in the van." He said, "Get out and take care of your men."

I got my men out of the van, all of them, which were getting sick, all around the area, and our faces—anyone that had the solu-

tion on them, our faces and everything began to be irritated and itch.

At that point I called Terry again on the radio, and I said, "This stuff is worse than what I thought." I said, "You'd better get up here." And he came up to the scene. He picked up the bottle and took us back—there were two of us that had the solution on us at that point—and took us back to the main office and let us clean up with some special soap to remove chemicals that we have in there, and we cleaned up with that.

I began to have trouble breathing, and I was wheezing, and Terry says, "Well, I think we better call an ambulance." He had called the State police, I believe. The ambulance took us to the hospital, and on the way to the hospital, I lost consciousness.

The CHAIRMAN. Why did you have trouble breathing? Was it because of the smell or because of the——

Mr. PETERSON. Well, they told me at the hospital that I had inhaled some of this stuff, and I had possible chemical burns, just enough to affect my breathing surfaces on the inside of my lungs.

The CHAIRMAN. Were you hospitalized overnight?

Mr. PETERSON. No; I wasn't, sir.

The CHAIRMAN. Did you have to return at all?

Mr. PETERSON. Yes; I did. In fact, the next day I was supposed to appear in court, or it was the following day, I was supposed to appear in court, and I went there to appear in court, and I just couldn't appear in court because I was too sick, and at that time my lawyer, Mr. Mike Mitchell, suggested I go back to the hospital, and when I went back, they gave me some dramamine, I believe it was, for nausea, because I was getting sick and vomiting.

The CHAIRMAN. I understand that you have had some difficulty getting your medical records from the Lourdes Hospital in Paducah, KY. Now, we assume that you have been able to get them and you can supply them to the committee. Have you been able to do so?

Mr. PETERSON. No; I haven't yet, but I am working on it, sir.

The CHAIRMAN. Will you try to do that and get them to us?

Mr. PETERSON. Yes, sir.

The CHAIRMAN. Did the hospital figure out what the liquid was?

Mr. PETERSON. No; they didn't. They didn't have the liquid. The liquid was locked in the safe at the plant for safekeeping before anything was done to it to where it would be mutilated to where you couldn't get any evidence off it.

Then I believe it was turned over to the Illinois State Police, and after that, I don't have any idea what was done with it, sir.

The CHAIRMAN. I will show you that exhibit that we put into evidence today. Do you know if the bottle was the same stuff as described in that box?

Mr. PETERSON. No, sir, I can tell you for a fact it wasn't, because the bottle was approximately 2 inches high. It had a half-inch opening at the top of it. It was a Chloraseptic bottle. It had a green and black label.

The CHAIRMAN. It was a separate bottle filled with some strange liquid——

Mr. PETERSON. Yes; it was, sir.

The CHAIRMAN [continuing]. That smelled like skunk——

Mr. PETERSON. Well, sir, it was hard for me to describe. It had like an onion smell to it. It was just nasty. I went back out to the site about 4 days later, when I finally got a chance to where I could go to work, and I went in the van, and I began to be sick, and they flew me off the site back to the hotel that night.

The CHAIRMAN. I see. Did the hospital figure out what the liquid was?

Mr. PETERSON. Not that I know of, sir.

The CHAIRMAN. I see. Was anyone else injured?

Mr. PETERSON. Oh, yes. There were three other guards besides myself taken to the hospital. One of them, my supervisor, refused to go to the hospital because he was just that dedicated toward his guards. He wouldn't leave the site. His name was Terry Payne. He, for about 45 minutes, was vomiting. At one point I saw him vomit up blood at the truck. He just refused to go. He was really bad off, but he didn't want to go to the hospital.

Three other guards were taken there, Gerald Brown, Kenny Bryant, and another guard. I can't recollect his name right now, sir. But they were taken to the hospital with me.

The CHAIRMAN. I see. Now, Mr. Brown, he was black, wasn't he?

Mr. PETERSON. Yes, sir.

The CHAIRMAN. Did he have his skin discolored by the liquid?

Mr. PETERSON. Yes, it was, sir.

The CHAIRMAN. Describe that for us.

Mr. PETERSON. It was a lightening of the skin, basically what I got on my shoulder. It was around his chest area. In fact, a couple of days before that we had gone swimming in the hotel swimming pool, and I did not see that on him at all, sir.

The CHAIRMAN. Mr. Beck, in a February 25 letter to Senator Simon, suggested that the company may have committed acts of violence in order to blame the union, that the company may have been the one committing the acts of violence in order to blame the union.

Were you ever told to commit acts of violence that could be attributed to union members, or did you ever see anybody who worked with you on the site commit acts of violence?

Mr. PETERSON. No, sir, I did not.

The CHAIRMAN. Do you know of any other company guards who were told to do so or who actually did commit any kind of improper acts?

Mr. PETERSON. No, sir. I can tell you a case that happened with me. I was carrying a knife. I was using it to sharpen sticks to kill snakes and cut down weeds around where the snakes were, and the knife was taken by my supervisor, and I was threatened to be fired.

It was held for a week and then given back to me, and he watched me seal it in a box and mail it back to my home address, and he told me that if I was ever caught with any kind of weapon, home-made or otherwise, he said he would fire me.

The CHAIRMAN. What were the other cautions that the company officials gave you as guards?

Mr. PETERSON. We were told never to talk to the picketers at all. They said we weren't allowed to carry any weapons because weapons provoke violence, and we didn't want any kind of violence.

We were told—in fact, in the buses on the way into the plant, we were told to keep our eyes straight ahead, not to even look at the strikers, to think that us looking at them might provoke them into doing something dangerous.

The CHAIRMAN. Were you ever shot at during the time you worked at the plant?

Mr. PETERSON. Yes, sir, I was.

The CHAIRMAN. What do you mean by that?

Mr. PETERSON. At one time I was on a bus into the plant, and the side of the bus, the bottom frame in the center of the bus, was shot with, we guessed it was buckshot because it couldn't have been a single round. You could see a spray pattern from it.

Other occasions, almost every night we got shots fired over our heads. I have logged it in my logs. Almost every night we have had shots fired over our heads at the front gate. I assume it came from picketers, but I never saw anyone.

The CHAIRMAN. What direction did the shots come from?

Mr. PETERSON. Well, I was approximately 50 feet from the gate, and they came from the gate direction.

The CHAIRMAN. They came from the direction——

Mr. PETERSON. They went over our heads from the front.

The CHAIRMAN. Was that where the pickets were?

Mr. PETERSON. Yes, sir.

The CHAIRMAN. Could you hear the gun reports?

Mr. PETERSON. Excuse me?

The CHAIRMAN. Could you hear the gun blasts?

Mr. PETERSON. Oh, yes, I could, sir.

The CHAIRMAN. And where did they seem to be coming from?

Mr. PETERSON. At times they were coming from the general direction of the tent, which is about a 35-degree angle from the truck to the right side.

The CHAIRMAN. But where were they coming from?

Mr. PETERSON. Various places. They were all from beyond the fence line, but you couldn't pinpoint one spot and say they were constantly coming from that spot, because different nights they moved around.

The CHAIRMAN. Was it in the general area, though, where the pickets were?

Mr. PETERSON. Yes, sir, it was.

The CHAIRMAN. Did you ever have any vehicles shot at that you were in?

Mr. PETERSON. Yes, sir, I did, like I said, the bus.

The CHAIRMAN. That was the bus that you described?

Mr. PETERSON. Yes, sir.

The CHAIRMAN. Did you ever have any rocks thrown at you?

Mr. PETERSON. Yes, sir. On one occasion, I was taping the front gate. We couldn't—they had put a partition up they had made out of plastic with wood supports, and we couldn't see around it, because the way our van was positioned, we could only shoot tape out of the front portion of the van, and you couldn't get behind this screen, and we wanted to get a different angle.

So I moved approximately 25 feet from the truck to the left-hand side so that I could shoot behind the screen, and while I was sitting there, I moved a chair out there, and my supervisor was at the

back of the truck, and I was taping and I couldn't see anything through the lens, and a rock struck me in the forehead and dazed me.

I got up from the chair, and I spun around, and my supervisor came running over, because he said it was loud enough that he could even hear it hit me.

The CHAIRMAN. Did you ever observe an airplane which was piloted by a union member buzz the plant site?

Mr. PETERSON. Yes; on several occasions I have seen planes.

The CHAIRMAN. And how do you know it was piloted by a union member?

Mr. PETERSON. Well, I identified it by its call letters in court, and I was told in court that it was this union member.

The CHAIRMAN. What was his name?

Mr. PETERSON. I am not exactly sure. I think it was Kesler or something like that.

The CHAIRMAN. Was it Jim Shrum?

Mr. PETERSON. Jim Shrum, that's it.

The CHAIRMAN. Jim Shrum. [Laughter.]

Mr. PETERSON. I am sorry. I have heard so many names today, sir, and I am nervous.

The CHAIRMAN. Is Mr. Shrum a member of local 438, to your knowledge?

Mr. PETERSON. I have no idea about that, sir.

The CHAIRMAN. OK, but it was your understanding he was a member of the local?

Mr. PETERSON. From what I heard in court, sir.

The CHAIRMAN. I see. I understand that you told my investigator that on one occasion this plane came over the plant so low that it stirred up the dust on the property. It came up from the river.

Mr. PETERSON. Oh, yes, sir. We have had occasions where it swooped down in the fields where we would be out beating the fields for snakes. It swooped down and almost hit guards. It was high enough to where they would get down on the ground, because it scared the living daylights out of them.

I have even talked to people that were working in the plant, the scabs, and they said that this gentleman had flown several times, when he was working there, had flown under derricks, these silo-like things that lead to the silos. They've got these pumps like. He would fly under them while he was working there.

The CHAIRMAN. He must have been a pretty good pilot.

Mr. PETERSON. Must have been, sir.

The CHAIRMAN. Well, I want to thank you for being here. I want to thank both of you gentlemen for coming in today.

Mr. ANDERSON. Could I just say one thing?

The CHAIRMAN. Sure.

Mr. ANDERSON. As I said, I done drove a long ways and flew a while to get here to find out things that are going on at my back door.

This gentleman and I just got through making truthful accusations, I know.

The CHAIRMAN. You got through making what, now?

Mr. ANDERSON. Truthful accusations, because I would surely think that he wouldn't want to say anything wrong. But how this

plane flew low enough to stir up dust when there are smokestacks at that plant, and then, on top of the others, on the shots being fired around him, we've got three farmhouses that are right here next to this picket line.

I would like for you to really check with the police department, the sheriff's department, and find out how many shots the neighbors have heard there. I have heard none of these here farmers saying anything about it. I live there.

The CHAIRMAN. We have put a number of the police reports into the record.

Mr. ANDERSON. Have the neighbors actually turned in to the sheriff's department that there were shots fired?

The CHAIRMAN. As far as we know, we have put all that we know of in the record.

Mr. ANDERSON. I know this gentleman here definitely had them fired. He had evidence.

The CHAIRMAN. Well, I have to say, Mr. King, it is terrible what has happened to you. It is terrible that these types of things go on.

Mr. KING. I was standing in the front yard the other day, and a van pulled up and stopped across the street, and my and my wife broke and ran.

The CHAIRMAN. Is that right?

Mr. KING. And if you think that is the way to live in your home——

The CHAIRMAN. Well, it isn't, and this is precisely why this hearing has been held.

Mr. KING. And she asked the police department what they were going to do about, and he said, "What do you want me to do, perch in your driveway and sit there all night?" She said, "Yes, if that is what it takes to make it safe for us to live around here."

The CHAIRMAN. Well, I sympathize with you.

Mr. Peterson?

Mr. PETERSON. Yes; I would like to say one thing to this gentleman's statement about the smokestacks. Senator, between the company plant and the fence, there is about 200 yards, and there is nothing; it is just an open field. That's all there is there, and there's a road, and that's where I saw the dust fly, because he flew between two poles, two light poles that were approximately 50 yards apart.

The CHAIRMAN. Well, you know, the purpose of these hearings is, of course, to look into the fact that there was violence out there, not necessarily to draw any conclusions as to who caused it and who didn't, but to certainly look at it and to try to discern whether or not the Federal Government should become part of the resolution of these problems.

There have been allegations by various people who testified before that the State and local law enforcement officials did not do what had to be done here, and there seems to be cooperation, especially from the local law enforcement officials, with what was going on, rather than resolving these problems.

Mr. Mitchell, for the company, has indicated that they have so many objections to what has been said today, to the union's testimony, that they would like to submit a written statement.

They just felt that if they were to appear today and answer all these objections, it would take many hours more, and I just don't have the time today to do it, but we will keep the record open for a written statement from the company or from any of the witnesses for the company who have appeared thus far to put into the record.

I would like to have the statements sworn if we could, although I haven't sworn these witnesses today, but let's assume that that is the case of all additional statements that we have.

[Material supplied for the record follows:]

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE-PRESIDENT, OPERATIONS

May 8, 1985

Via: Certified Mail

Senator Orrin Hatch
Chairman,
Senate Labor & Human
Resources Committee
Senate Hart 632
Washington, D.C. 20510

Re: Hearings on Labor Violence

Dear Senator Hatch:

We appreciate your keeping the record open in these hearings and allowing us this opportunity to respond to certain allegations made by Cement Workers Local 438 President Dave Beck and others at the second day of hearings held on March 26, 1985.

We have reviewed the testimony of Mr. Beck plus his answers to Committee questions after he concluded his prepared statement. Frankly, it is difficult to know where to begin. We had hoped to keep our response to Beck's statements as brief as possible in order to show the facts, or our opposing views. Mr. Beck's statements and other remarks are, however, so fraught with misleading comments, half-truths, deceptions and prevarications that we see it necessary to refute nearly all of his unsworn testimony. We regret that this requires us to be somewhat lengthy but we hope to answer your implied question when you stated: "Someone's lying here."

I. In his prepared statement, Beck alleges that the relationship between Local 438 and the Company "was harmonious with only one short strike called by the Union some ten years ago." The truth is, as you pointed out to Beck, that there were two strikes, one in 1973 which was so violent it

required a court restraining order to control, and a second, illegal strike, in 1977. Additionally, there were strike threats in 1975, 1978 and 1981 over the same issues that led to the strike in 1984, specifically, overtime, contracting out, settlement of grievances, "past practices" and foremen working.

II. Beck next states that the Company constructed "a high chain-link fence around the premises, topped by barbed wire. Forty-eight light poles were installed, each with four 1,000 watt bulbs."

The fence referred to was merely 1200 feet or so along the front road of the plant. The perimeter of the entire plant is approximately 18,000 feet. By no stretch of the imagination did we construct "a high chain-link fence around the premises." The lights referred to were street lights used to illuminate the roadway, not security floodlights. Security lights were not brought in until after the Union went on strike. At that time, it was necessary to obtain several State Police escorts in order to get these safely through the front gate. Regardless of what the Union says, someone shot out several of the street lights and many of the portable security lights.

III. Beck stated "as early as December, 1983, the Company under new ownership as a result of a corporate takeover" planned for a guard service in case of a strike. That "takeover" took place in May of 1977. Bargaining agreements were subsequently signed in 1978 and 1981. There is nothing sinister about the takeover, nor does it coincide with the onset of the current strike as ~~both Beck and~~ Sen. Metzembaum tried to imply.

IV. He next alleges that our contract demands included a $3.80 wage cut. The Company never quantified its wage decrease proposal at the table. I testified before the Committee that the proposed reduction in average hourly earnings had been calculated at approximately $2.80 per hour. A further check reveals that calculation to have averaged precisely $2.88 per hour. Through negotiation, the Company reduced its proposed cut by $1.00 per hour.

V. Beck infers that 150 guards reported when 115 employees went on strike. In the first few days following the strike on June 15, there were fewer than 20 guards on the site. As the violent and lawless attitude of the

Union became more apparent, the Company brought in more guards but there were never 150. Our records indicate that the peak number of guards was closer to 130, working in shifts, and stationed at both the Joppa plant and the quarry at Cave-In-Rock.

VI. Beck's testimony as to what he said at the June 18 negotiating session is false. Beck himself never asked for financial information. Following an exchange between myself and Mr. Rice concerning cost items, Beck merely commented "You're refusing to show us the books then?" That June 18 meeting was held in St. Louis by mutual agreement since both Rice and I felt it was too dangerous to meet in Paducah as had been the practice. Our concerns were justified: the plant's incoming power line was shot down within minutes after the meeting was over.

Beck went on to testify to the Committee that he asked for financial data on July 13 but it was not given. That information, ten separate cost items, was hand delivered to the Union's chief negotiator Ced Rice on July 11th.

Attorney Souders then claimed that the information asked for by Beck was given only to the Kansas City local, which is not the case. The Union first asked for certain information during a meeting at Kansas City on June 19. Mr. Rice followed that with a letter on June 20 and the Company complied - in full - by mail on June 22. Souders' statement (and a similar statement from Sen. Simon) apparently reading from the Board's decision of February 14, 1985, argued that the Company was found to have delivered financial information "shortly thereafter" when in fact it did not present the information until some time in August. This appears to be a deliberate attempt to deceive and mislead the Committee. The Company provided, separately, certain financial information and graphs showing labor costs by mail on August 27 and again on August 29. But this information was first asked for in a meeting at Kansas City on August 23rd and in a follow-up letter of August 24th. In other words while Beck states that the Company supplied information "piecemeal" the truth is information was supplied promptly and fully -- it was supplied on more than one date merely because there were multiple Union requests!

Incredibly, Beck continues to assert in the face of repeated Board rulings to the contrary, that "no financial data was given to us until after we had filed unfair labor practice charges ....." Financial data was given to the Union from the very first negotiating session, February 29, 1984, in the form of charts, graphs and other documents. And, of course, as the Board has ruled, the Company responded to all subsequent Union requests for specific data.

Under questioning, Beck's counsel, J. F. Souders, claimed the Company was somehow remiss in that Beck had made his original request for information at the Joppa negotiations, and we responded by furnishing the information during a Kansas City bargaining session. Souders claims that these were different unions, with different issues, different demands on the table and that "he had never heard of such a thing."

While our Kansas City employees and our Joppa employees are members of different locals they are, of course, both represented by the same union. It was Beck who made the original broad request for financial data, but he was not the chief negotiator. At that time, Thomas "Ced" Rice was the chief spokesman for the Union in both the Joppa and Kansas City negotiations; the requested information was, therefore, furnished directly to him. Not only was it appropriate to do so, it would have been inappropriate to do otherwise. If Beck still maintains that he has not received the financial information, the answer is that his Union representation has been woefully inadequate, and he should seek answers to his questions from Rice, not from the Company.

VII. Beck next castigates the Company by claiming that we "clearly did not want to bargain an agreement . . ., nor even take [the] members back until the Union was broken." In fact, we have never stopped negotiating with the Union and have already taken back eighteen strikers (all of whom are members of the Union), twelve on October 29, 1984 and six more on February 11, 1985. The Company's implemented final offer contains a clause recognizing the Union as the representative of the employees.

VIII. Beck 's claim that "the Company demand to exclude the Union from the grievance procedure certainly prolonged the strike" is assinine. Never at any time has any Company offer contained such an idiotic demand.

IX. Referring to the Union's unconditional offer to return to work on August 6, 1984, Beck claims that "absolutely nothing was heard from the Company until a full week later, August 13 . . . ." In fact, there were at least three separate contacts with the Union prior to our reply on August 13.

Here are the facts: The Union's telegram was received at 3:45 p.m. on August 6th. The telegram asked the Company to respond within ten days. The Company contacted the Union within hours when our attorney, Michael Mitchell, called Beck at the Union hall and asked for a clarification and explantion of the Union's telegram since it referred to a list of employees who desired to return which had not been furnished, and it seemed to imply that fewer than all the employees were asking for reinstatement. Beck informed Mitchell that this was true, i.e., that there were some employees who had either quit or contracted illnesses and would seek medical retirement rather than return to work. Beck offered to furnish the referenced list of employees that evening and Mitchell told him that would not be necessary and could be supplied later. That was the first contact by the Company.

The second contact occurred a day later when Beck appeared at the plant gate with the list of employees in hand which was accepted.

The third contact was when the Company sent a telegram to Beck informing him that it would not need the ten days in which to respond which he had offered in his initial telegram, but that the Company would be responding in the near future.

The fact that Beck's original telegram called for a reply by August 16th, coupled with the fact that Beck now complains that the Company was unduly slow in replying by August 13th, and then further claims that "absolutely nothing was heard from the Company" during the interim, cast serious doubt on his credibility. Copies of the referenced telegrams are enclosed with this letter which we would appreciate your entering into the record.

Beck alleged that a decision was made at a July 30th Union meeting to offer to return to work unconditionally at the scheduled negotiation meeting of August 2nd. The facts surrounding this make Beck's statement of events very unlikely.

First, Beck is correct in that word travels fast in a small town. Union members, however, are not the only ones to know what is going on. The Company's salaried employees who live in the same town and area never reported hearing what Beck reports as having spread "throughout the area within minutes after the meeting [was] over."

Second, Beck's allegation is unlikely since there was no meeting scheduled on August 2nd. Rice called me on Monday, July 30, and suggested a meeting on August 2nd or 3rd. I had to turn both down because of a contempt of court hearing scheduled in Metropolis on August 3rd. I proposed August 1st or the weekend of August 4th or 5th. Rice never got back to me, claiming instead that he needed to check with the federal mediator. Beck's statement, therefore, that he had "heard nothing from the Company regarding a new meeting date" is obviously in error.

Later, Rice called me on August 1st about 10:00 a.m. saying he could not contact the mediator and asked for an "off the record" meeting on Saturday, August 4th with him, Tom Balanoff, Jack Hearn (Company Vice President) and myself. I agreed to meet but not "off the record." Rice declined.

Rice then called me again about 3 p.m. on August 3rd and we agreed on Wednesday, August 8th meeting, since Rice said the mediator could attend. During the phone conversation, Rice again asked for an "off the record" meeting but this time with myself, Mr. Templet (President of Missouri Portland), Mr. Northrip (the International Vice President) and himself. I agreed to meet anywhere, anytime, with anyone, but not "off the record." Rice did not respond.

We believe the facts show that Beck's belated claim of a Union meeting authorizing a "back to work" movement which was thwarted by sinister Company moves is nothing more than a cynical afterthought and a feeble attempt to cover up his own lack of insight about the situation.

X. That Beck would seek to divert the Committee's attention from the issue of Union violence is understandable, but his attempts to cast aspersions on the quality of the product being manufactured by his employer is mystifying. Beck claims "the cement produced at this plant after the strike

was basically unusable. Much of it was dumped into an open area where the rain in [sic] gradually washing it into the Ohio River." This wild charge is toally fabricated. To the contrary, the plant produced record amounts of cement each month of July, August and September, 1984, and sold every ton.

XI. Regarding the Company's legal actions against the Union, Beck strays even further from the truth. Regarding the second contempt action, Beck states that "three persons from other plants in the area who had either thrown a rock or put one foot even inches inside the gate were fined." This statement misleads the Committee in that it omits to mention that a total of eleven persons were held in contempt of court at the hearing.1/ Each one testified that he had trespassed anywhere from 10 feet to 40 feet, although the video tape we supplied to the Committee shows that some came onto Company property considerably further than that. No one was fined by the Judge for having "put one foot . . . inches inside the gate." In fact the Judge fined only those who had actually thrown nails and refused to hold in contempt those massed outside the gate, even though this was a clear violation of the injunction.

Beck claims that in regard to the third contempt of court action the local sheriff analyzed the substance which was thrown into the guard van and found it to be "skunk oil." Senator Kennedy says it was analyzed by a state laboratory and it was found to be "neither caustic nor acid" although he did not say what it was. The sheriff's office has no facilities to analyze chemical substances, and this alleged analysis was not done. As to Senator Kennedy's information, we are not privy to that, but have been informed by local law enforcement agencies as recently as April 23 that the report of the state laboratory is not yet available.

Beck claims that at the sixth contempt hearing involving Carl Medley, Medley's lawyer "unwound the film from the reel to expose a date on the reel different than that claimed by the Company." Under questioning by the Committee, Beck went further and claimed that the Company's attorney had, in effect, suborned perjury by "putting words into the mouths of witnesses" and that the video tape offered into evidence was "dummied up" or "doctored" in some way. Finally, Beck claimed that the Judge refused to accept the video tape into evidence because it was found to be "doctored" or somehow fraudulent.

1/ There were some 30 or more involved in the incursion but many could not be identified.

This matter is currently on appeal so it would be inappropriate to comment extensively on the trial itself. Suffice it to say, however, that at the trial Medley's lawyer most certainly did not unwind any video tape from the reel, nor was there any date on the reel "different than that claimed by the Company." The video tape was not admitted into evidence solely because the cameraman who shot the tape was not present in court, not because the Judge felt the tape had been "doctored" in any way. These are matters of public record.

XII. Perhaps the most blatant misrepresentation made by Beck was that the Union has asked the Company to tell it of incidents so that it could investigate them and give the Company its report. "Not once, not once has the Company done this, and the only incidents we've received knowledge about are the six cases for contempt filed by the Company in state court." The attached letters to the Union, some of which the Union replied to, and some of which they did not, show quite the contrary.

Beck's attorney stated repeatedly that there were absolutely no other incidents of Union violence other than the six which were subject to contempt proceedings, 2/ and that the Company should either "put up or shut up." The Company has indeed "put up," by presenting evidence of additional Union violence to the National Labor Relations Board. The Board investigated these allegations, found them to be meritorious, and issued a complaint alleging twenty-seven separate acts of union-related violence. This is twenty-five more than the Union will admit to but the Labor Board apparently feels otherwise. Even though it adamantly denies responsibility for these twenty-seven violent acts, the Union has chosen not to present its case to an Administrative Law Judge in an attempt to prove its innocence. Rather, when faced with the situation in which it must "put up or shut up" regarding its innocence, the Union chose to "shut up" and meekly agreed to settle the case out of court.

Beck alleges that since Nuckols Security left the area "any claims or reports of violence have almost totally ceased." Since Nuckols left the area, Delbert Sullivan and his wife have been fired at, Kenneth Hutchins was badly

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2/ Four incidents of strike related violence resulted in contempt of court citations, not three as alleged by Souders.

beaten, a replacement employee was nearly run off the road by a striker and numerous nails, tacks, and other sharp objects have been found at the contractor's entrance to the plant. The "claims or reports" might have ceased but the violence certainly has not.

XIII. At one point during the hearing, when faced with repeated contradictions between Company and employee allegations on the one hand, and Union denials of violence on the other, the Chairman stated that it was clear that "somebody was lying." We suggest that the facts we have just brought out, and the attachments to this letter, make it clear who is lying.

We also wish to take this opportunity to stress to the Committee that contrary to Sen. Metzenbaum's assertion it has never been our intention to find anyone in the government, either state, federal or local, to "take our side." Our intention in cooperating with the Committee's investigation has been, and remains, to support legislation aimed at amending the Hobbs Act and to attempt to bring an end to the violence. The latter goal, at least, has been partially accomplished. There was a dramatic dropoff of violent incidents since the local news first announced that your invetigator, Mr. Phillips, was in the Joppa area. These incidents did not resume until after the hearings ended when a replacement employee was nearly run off the road by a car identified as a striker's. For this brief respite we are very grateful to the Committee.

We must admit that we are frankly appalled that certain Committee members during the course of this hearing seemed to find acts of violence amusing, and found the pain and suffering of others to be a source of humor. We believe a recent letter written by the wife of a replacment employee to the editor of the Paducah Sun, which we are also enclosing, puts the matter in its proper perspective and we would like to have this also entered into the record.

We welcome the Committee's continued interest in this matter and assure you of our cooperation.

Respectfully,

J.L. McIntyre

JLM:rn
Enclosure

This is the text of the telegram received by Mel Brekhus at 3:45 p.m., August 6, 1984.

Dear Missouri-Portland Cement:

The employees of Missouri-Portland Cement Joppa plant whose names will appear on a list which will be supplied by the Union unconditionally offer to return to work immediately. Failure to respond to David Beck, President of Lodge 438, within ten days of this unconditional offer to return to work will be considered a refusal to reinstate those employees, and appropriate charges will be filed with the National Labor Relations Board.

Yours truly,

David Beck

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645
13AM

Western Union Mailgram

4-013571S226002 08/13/84 ICS IPMBNGZ CSP STLB
1 3147254400 MGM TDBN ST LOUIS MO 08-13 1031A EST

MISSOURI PORTLAND CEMENT CO ATTN ROSE
7711 CARONDELET AVE
CLAYTON MO 63105

THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

3147254400 MGMB TDBN ST LOUIS MO 198 08-13 1031A EST
ZIP
DAVID BECK, PRESIDENT
UNITED CEMENT LIME GYPSUM AND ALLIED WORKERS
LOCAL UNION 839
RT 1
KARNAK IL 62956
THIS IS A COPY OF THE MESSAGE SENT TO THOMAS RICE, DISTRICT REPRESENTATIVE.

RE: YOURS OF AUGUST 6, 1984. WE HAVE HIRED NEW EMPLOYEES TO FILL THE OPERATING NEEDS OF OUR JOPPA PLANT. WITH REFERENCE TO FILLING FUTURE VACANCIES WE HEREBY ADVISE THAT WE WILL NOT REINSTATE CERTAIN STRIKING EMPLOYEES BECAUSE OF MISCONDUCT IN CONNECTION WITH THE STRIKE. HERE ARE THE NAMES OF THE EMPLOYEES WE WILL NOT REINSTATE BECAUSE OF SUCH MISCONDUCT: GAROLD BLANCHARD, KENNETH KERR, JESS KESTER, RANDALL WOODS.

WE RESERVE THE RIGHT TO REFUSE REINSTATEMENT TO ANY OTHER EMPLOYEES WHO HAVE ENGAGED OR ENGAGE IN SUCH MISCONDUCT.

THE JOBS OF CAVE-IN ROCK EMPLOYEES HAVE NOT YET BEEN FILLED THEREFORE ALL CAVE-IN ROCK EMPLOYEES DESIRING TO RETURN TO WORK SHOULD REPORT IMMEDIATELY.

IN ORDER TO DETERMINE OUR OPTIONS IN FILLING FUTURE VACANCIES AT THE JOPPA PLANT PLEASE ADVISE WHETHER YOUR AUGUST 6 OFFER ON BEHALF OF THE STRIKING EMPLOYEES TO RETURN TO WORK IS STILL UNCONDITIONAL.

WE RESERVE THE RIGHT TO MODIFY OUR LAST CONTRACT OFFER IN VIEW OF CHANGED CONDITIONS.

J. L. MCINTYRE
MISSOURI PORTLAND CEMENT CO.

10:33 EST

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645
08AM

Western Union Mailgram

6-007975S221002 08/08/84 ICS IPMBNGZ CSP STLB
1 3147254400 MGM TDBN ST LOUIS MO 08-08 0924A EST

MISSOURI PORTLAND CEMENT CO
7711 CARONDELET
ST LOUIS MO 63105

THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

3147254400 TDBN ST LOUIS MO 155 08-08 0924A EST
PMS THOMAS RICE, DISTRICT REPRESENTATIVE
UNITED CEMENT LIME GYPSUM AND ALLIED WORKERS RPT DLY MGM, FON AND DLR
868-8400, DLR
DISTRICT COUNCIL 6
10067 BELLFOUNTAINE RD SUITE 20
ST LOUIS MO 63137
THIS IS DUPLICATE OF MESSAGE MAILED IN ERROR. CHARGES HAVE BEEN
CORRECTED.

THE ORIGINAL WAS MAILED TO DAVID BECK, PRESIDENT UNITED CEMENT LIME
GYPSUM AND ALLIED WORKERS LOCAL 438.

YOUR TELEGRAM OF AUGUST 6, 1984 AND THE LETTER YOU AND MR RICE
DELIVERED AT THE MAIN GATE OF THE JOPPA PLANT BOTH STATED YOU WOULD
SUBMIT A LIST OF NAMES OF EMPLOYEES WHO OFFER TO RETURN TO WORK
UNCONDITIONALLY. WE NEED THIS LIST IN ORDER TO MAKE A REASONED
RESPONSE.

YOUR TELEGRAM AND LETTER MENTIONED ABOVE ALSO REQUESTED THAT THE
COMPANY REPLY TO THIS OFFER WITHIN TEN DAYS. WE DO NOT FEEL WE NEED
TEN DAYS, ASSUMING YOU SUPPLY THE LIST IN A TIMELY FASHION, BUT WE
WILL RESPOND AS EXPEDITIOUSLY AS WE CAN. IT DOES SEEM THAT SOME OF
YOUR MEMBERS WHO ARE RANDOMLY GATHERING AT OUR MAIN GATE ARE NOT
AWARE OF YOUR PROPOSAL TO ALLOW THE COMPANY A TEN DAY TIME LIMIT
WITHIN WHICH TO RESPOND.
M G BREKHUS, PLANT MANAGER
7711 CARONDELET
ST LOUIS MO 63105

0924 EST

MGMCOMP

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE PRESIDENT, OPERATIONS

October 25, 1984

Mr. Thomas Balanoff
Director of Technical Projects
International Brotherhood of
Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers
570 New Brotherhood Building
8th & State Avenue
Kansas City, KS 66101

Dear Mr. Balanoff:

I received your letter of October 12, 1984, concerning the Union's position on picket line violence. It is gratifying to learn that the Union has taken these recent steps, and your efforts are sincerely appreciated.

Unfortunately, it does not appear that they are adequate. For example, your October 10, 1984, meeting to which you refer in your letter was followed, just a few days later, by a person who ran through the picket line with a steel bar and proceeded to smash in the window of a Company vehicle.

At our recent meeting in Paducah, Kentucky, you stated that you were certain this was not a Union member and, as of this date, we have no reason to dispute that statement. Still, it does seem that since this person spent a considerable amount of time standing at the picket line and coversing with some of the pickets (John McCuan for example) that somebody from the Union would be able to assist us in identifying him. Union assistance in identifying and prosecuting this individual would certainly go far toward vindicating your current non-violent stance.

Very truly yours,

J. L. McIntyre

JLM:rn

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE-PRESIDENT, OPERATIONS

October 26, 1984

Mr. David G. Beck
President, Local 438
United Cement, Lime, Gypsum & Allied Workers
Route 1
Karnak, Illinois 62956

Dear Mr. Beck:

Following our recent meeting I instructed Mel Brekhus to talk to Delbert Sullivan and also write him a letter regarding the manner in which we would prefer that Commercial Transport, Inc. drivers operate their trucks in the general vicinity of our entrance gate at the Joppa plant. I'm sure you recognize that the Commercial Transport drivers are not our employees and the road to the plant does not belong to us, so we can only make suggestions, not enforce them.

If you have not already done so, I suggest that you read the Reciprocal Permanent Injunction of July 27, 1984, and explain what it means to the Union's membership. Since pickets or others congregating at or near our entrance gate can both hear and see cement trucks approaching them for quite some period of time, they should move out of the way so trucks can easily pass through the gate.

Also, I would like to suggest that you advise people who park their vehicles near the Union's tent area adjacent to the gate that they create a situation that could easily lead to damage to the vehicles or personal injury.

Yours truly,

J. L. McIntyre

JLM:rn cc: T. Balanoff

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE PRESIDENT, OPERATIONS

October 26, 1984

Mr. David G. Beck
President, Local 438
United Cement, Lime, Gypsum & Allied Workers
Route 1
Karnak, Illinois 62956

Mr. Mr. Beck:

I have received your undated reply dealing with your efforts to curb acts of violence in the Joppa area. I appreciate the fact that you are now apparently beginning to take steps to curb misconduct from your members and others. I am writing merely to correct one or two misstatements in your letter which need to be clarified.

You stated that you were aware of only two of your members who have been found in contempt of court. The proper number, as of this date, is five: Garold Blanchard, Rod Crim, Robert Walker, Robert Wood, and Randy Woods. There were also eleven other contempt convictions, but these involved members of another union.

You also mentioned in your letter the incident which occurred in early July involving a mock Ku-Klux-Klan ceremony. As I told you in our October 19, 1984 meeting all of the individuals involved in that incident were guards, and all have since been terminated. There have, of course, been no repetitions of that kind of foolishness.

As you know, we can and will terminate for cause those employees involved in misconduct, so it is clearly in everyone's best interests -- Missouri Portland's, the Union's and the individual employees -- to keep the situation as calm and under control as possible.

Regarding the last paragraph of your letter, we will continue to investigate acts of violence and property damage. You can help us, however, with an incident which occurred in the early morning hours of Tuesday, October 16, 1984 when a man stopped his car at our gate, got out of the car and talked to John McCuan for several minutes. The man then went back to the car, got a steel bar, rushed through the gate to our security van, and proceeded to bash the windshield and then left. Since John McCuan and the unidentified man may know each other, it would be helpful if you could determine the man's identity and let us know what you find out.

Yours truly,

J. L. McIntyre

cc: T. Balanoff

International Brotherhood of
BOILERMAKERS • IRON SHIP BUILDERS
BLACKSMITHS • FORGERS & HELPERS
New Brotherhood Building
Kansas City, Kansas 66101

CHARLES W. JONES
INTERNATIONAL PRESIDENT
CHARLES F. MORAN
INTERNATIONAL SECRETARY-TREASURER

10/15/84

October 12, 1984

Mr. J. L. McIntyre
Vice President-Operations
Missouri Portland Cement Company
7711 Carondelet Avenue
St. Louis, Missouri 63105

Dear Mr. McIntyre,

This letter is in response to your October 2 and 9, 1984, letters to Mr. David Beck, President of Local D-438, regarding violence on the picket line.

The position of the Union is that we do not condone such picket line violence. The Union's position on this question has been consistent. The leadership of the union (at both the International and local union level) has continuously stated the Unions position to our members in Local D-438, that we do not condone picket line violence.

As recent as October 10, 1984, in a meeting of the Local D-438 membership, Messrs. Henry Bechtholdt, Director of the Cement Division of the International Union; Bernard Martinez, International Representative-Coordinator; Thomas Rice, International Representative; David Beck, President Lodge D-438; and myself, told the membership that the union does not condone violence on the picket line.

The Unions position will not change on this issue.

See daily activity log for Oct 11

Sincerely,

Tom Balanoff

Tom Balanoff
Director of Technical Projects

TB:rah
cc: H. Bechtholdt, D-CLGD
B. Martinez, AC-CLG
T. Rice, IR-CLG
D. Beck, Pres.-D438
opeiu 320

CARL M. NEWELL, President
Route 2, Box 226-B
Royal Center, Indiana 46978
Phone: 219-643-9258

CHAS. C. HUNTBACH
Executive Secretary-Treasurer

GLENN R. [illegible]
District Representative

THOMAS W. (Cal) RICE
District Representative

United Cement, Lime, Gypsum and Allied Workers
District Council No. 6

10067 Bellefontaine Road, Suite 200, St. Louis, Missouri 63137
(314) 868-8400

10/17/84

October 12, 1984

Mr. J. L. McIntyre
Vice President-Operations
Missouri Portland Cement Company
7711 Carondelet Avenue
St. Louis, Missouri 63105

Dear Mr. McIntyre:

Enclosed is a copy of a letter that I sent to the members of Local Lodge D-438.

The International Union and I are serious in what we are saying about any type of violence at the picket site or elsewhere.

Messrs. Bechtholdt, Martinez, Balanoff and I talked to the members on October 10 and told them our stand on violence.

Very truly yours,

Thomas W Rice

Thomas W. Rice
International Representative

TWR/rk
opeiu#13
afl-cio

Enclosure
xc: DD Bechtholdt
DTP Balanoff
AC Martinez
File: 438 Neg/84

Dave Beck
President

James R. Fisher
Recording Secretary

Odell Emerson
Financial Secretary

UNITED CEMENT, LIME, GYPSUM & ALLIED WORKERS' INTERNATIONAL UNION
LOCAL 438

October 12, 1984

Dear Brothers:

The International Union; we, the Officers and Committee of Local D-438, want to stress again that we do not condone any type of violence on the picket site or elsewhere.

We are going to ask the picket captains to police the line every shift.

Any of our members or people outside our Local that do not comply to what the picket captain says will be barred from the picket site.

/rk
opeiu#13
afl-cio

xc: DD Bechtholdt
AC Martinez
DTP Balanoff
IR Rice

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

10/12/84

Dear Mr. McIntyre:

This is to acknowledge receipt of your October 2, 1984 letter regarding the Reciprocal Permanent Injunction. Your letter appears to be more of an attempt to dummy-up some "evidence"for future court proceedings (by use of your self-serving letter) than it is as a serious attempt to resolve problems. We will, however, treat it with seriousness and consideration which it probably does not deserve.

Your Company in the past has not demonstrated the slightest hesitance in seeking contempt of court citations and/or Grand Jury indictments of pickets and others for any and all reasons. Some of those reasons include even putting their foot one inch inside the Company's open gate. Of the many, many persons whom you have sought to be cited, to my knowledge only two members have been cited for contempt of Court and only one member, who admitted to the incident and sought to remedy his mistake immediately, was indicted for busting a windshield of a car after the car had broken the picket sign he was holding.

As you can see, if the Union took disciplinary action against the many, many you have charged, we would have proceeded against many innocent individuals as determined by a Court or Grand Jury.

The Union has repeatedly and continually advised our members not to engage in violence and we believe that with very few individual exceptions they have done so. As to those very few exceptions, they have received their penalty from the Court and the Union has personally impressed upon them that further instances will result in Union action against them including possible expulsion from membership. Our members repeatedly have been told that violent incidents do not aid the Union and it only plays into the Company's hands, considering the Company's obvious pleasure in reporting such items to the media.

We believe our members understand and have complied with the need for peaceful activity. We believe the Company should examine its own personnel on thse type incidents before looking elsewhere. As you know, and as found by the Court, persons under your direction and control at the Joppe facility conspired with the clear intent of antagonizing our pickets, some of whom are minorities, by having one of the "inside personnel" dress up in a Ku Klux Klan outfit and parade around at night with a burning cross. What other Company in this country has been enjoined by a Court from allowing such activity to continue?

The Union at its membership meetings has and will continue to advise our membership that unlawful acts are not condoned, authorized or encouraged. They have also been advised that it can possibly lead to fines and expulsion depending on the circumstances. We in turn suggest that you control to a much better extent than exists actions of your employees entering and leaving the plant in a manner endangering our pickets.

As a final note, your final paragraph threatens that if we don't take steps "to control these (claimed by you) continuing violations" you will hold me and the Union responsible. If you are serious in saying that, then the left hand of the Company does not know what the right hand is doing. Ever since you've started with your contempt of Court proceedings you've already sought exactly that, although unsuccessfully.

If you are serious in the statements made in your letter, then notify us immediately of any incidents identifying our members (rather than your inside personnel) you claim to be involved in any incidents, the details of the incident and all witnesses involved. We will check it out, advise you of the results of our investigation and the action thereupon taken. If you have alternative suggestions please advise, and they will be considered.

Very truly yours,

David Beck

David Beck

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE-PRESIDENT, OPERATIONS

October 9, 1984

Via: Certified Mail

Mr. David G. Beck
President
Local 438
United Cement, Lime, Gypsum & Allied Workers
Route 1
Karnak, Illinois 62956

Dear Mr. Beck:

In my letter of October 2, 1984, I listed many violations of Judge Williamson's injunction committed by Union members and I urged you to take action to insure that this violence did not continue.

Since then, the level of violence has increased rather than decreased. Recently, one employee had a piece of cordwood thrown at his windshield just as he passed by the tent area -- the person who threw the wood was identified as a Union member; another employee received a threat to his life from a person he identified as a Union member; a Union member applying for work at another company claimed that he and other Union members were going to blow up part of the plant by dropping dynamite from an airplaine. This last incident, since it involves violations of federal law, will be reported to the FBI, the FAA, and the Bureau of Alcohol, Tobacco & Firearms, as well as the state police.

Mr. Beck, I do not want to believe that you condone these acts of violence, and these violations of Judge Williamson's injunction, but your apparent lack of action is leaving me no other conclusion. While it is not my place to tell you how to enforce order to your own Union, I would strongly suggest that you take some or all of the following actions: communicate with your members and tell them you disapprove of violence and other injunctive violations; discipline, by either fining or expelling, any Union member whom you determine to be engaging in violence or injunctive violations; issue a statement stating that the Union officers do not condone this type of activity; remove the tent from the plant area.

As we told you previously, we are prepared to hold you, your fellow Union officers, and the Union as an entity, responsible for these continuing violations. We urge you to take strong and immediate steps to bring about a halt to this violence, otherwise you will leave us no choice but to take legal action against you.

Very truly yours,

J. L. McIntyre

JLM:rn
cc: Mr. Barnhill
Mr. Fisher
Mr. Emerson
Mr. Rice
Mr. Martinez
Mr. Sauders
Mr. Mallott

MISSOURI PORTLAND CEMENT COMPANY
7711 CARONDELET AVENUE
ST. LOUIS, MISSOURI 63105

J. L. McINTYRE
VICE-PRESIDENT, OPERATIONS

October 2, 1984

Mr. David G. Beck
President
Local 438, United Cement, Lime,
Gypsum and Allied Workers Union

Dear Mr. Beck:

On June 27, 1984, Judge Williamson signed a Reciprocal Permanent Injunction prohibiting a wide-variety of misconduct. Since that date, there continue to be repeated instances of harassment and/or violence aimed against Missouri Portland employees, suppliers and their families.

Some of these incidents include the following: a brick was thown at the windshield of one of our food service vehicles by a striker; a replacement employee coming to work on his motorcycle was forced off the road near the front gate and struck by a bystander at the tent area; the wife of a replacement employee was struck by an apple thrown by someone standing in the tent area; certain strikers cruised by the home of a salaried person made harassing statements and threating gestures to his wife; and, the tire of the bus carrying our security guards was shot.

In some of these cases, we know who the responsible individuals were; in other cases, we do not. However, we believe it is within your power, and the power of your fellow officers of the Union, to prevent these violations of Judge Williamson's injunction. It is apparent to us that you have done little or nothing to insure that your membership, and those acting in concert with your membership, are made aware of the terms of the injunction and obey it completely. If you had done so, these violations would not be continuing.

As you well know, we are perfectly willing to fully prosecute all violations of Judge Williamson's injunction. We do not believe this would be necessary, however, if you and your fellow officers would take appropriate steps to inform your membership and others acting on your behalf that you do not condone, authorize or encourage such acts.

If you do not take all appropriate steps within your power to control these continuing violations, we will have no other choice but to hold the Union, and you as its president, responsible for these and all future acts of harassment and violence.

Very truly yours,

J. L. McIntyre

JLM:rn
cc: Mr. Barnhill
Mr. Fisher
Mr. Emerson
Mr. Rice
Mr. Martinez
Mr. Snuders
Mr. Mallott

The Paducah Sun

Friday, March 22, 1985 Paducah, Kentucky

Back Talk Letters to the Editor

Firm's present employees just want, need to work

EDITOR:

I realize you can't print every letter that comes to Back Talk...I know Mr. Paxton's stand on this situation, so you may not print this story.

You have had many stories in your paper about the Missouri Portland Cement Company situation. You have raised many questions and showed every point of view from the company's to the strikers. These men are not monsters...they just wanted to work, they needed to work. If they didn't have to work under these "unusual circumstances" they certainly would not. Whatever ifs, whys or buts...this situation is between the company management and the strikers. These employees had absolutely nothing to do with it. Why should they be harassed and put down for just wanting to support their families?

Local Union President (Mr. Beck) wrote Sen. Paul Simon admitting that his members were involved in a "few violent incidents" but nowhere near the number charged. Well don't you think a few incidents are a few too many? How many is too many? I don't believe whose fault, whose right or whose wrong is the issue here. What's done is done. Violence is no way to solve anything.

Some feel these men got what they asked for...Isn't it every American's right to want to work and to be able to work. These men have been caught in a no-win situation...when all they wanted to do is work for a living.

This situation is news...it has affected a lot of people.. are the present employees not considered people?

How would you like to face a bunch of very unhappy picketing men every day, day after day? How would you feel if every time the phone rang you didn't know if a "small incident" hasn't happened to your spouse? Do you know what it is like to be expecting your spouse home and he is 20-30 minutes late...wondering if one of these "few violent incidents" is going on? You would not know what it is like not knowing if you or your family could be in danger. Let me tell you it is not a pleasant way to live. But as I said, these men would not be working under these "conditions" if they didn't have to. Yes, these men have bills to pay, families to feed and children to feed too. They are just regular people.

NAME WITHHELD

The CHAIRMAN. As this hearing indicates, when one looks at a strike, there is always going to be a debate as to what happened and why. But today we have heard from the union that no one was injured, but we know people were injured at the picket line, off the picket line, in Joppa and in the general area itself.

We have been asked to believe that the union did nothing wrong, but so far, the only one who has been found guilty has been the union, guilty of violating the restraining order, that is.

Now, it is a union member who has been found guilty of attacking a replacement employee. It is a union member who has been convicted of breaking a windshield and spending 45 days in jail as a result of it. And, as we have seen today, a union member was actually blocking the facility and prohibiting people from going into the plant.

But we are, of course, being asked to conclude, by the union leaders today, or at least the president, that the union is the only one telling the truth around here, that everybody else, all the witnesses who testified last month, that all of them lied to the committee.

Now, you know, these types of accusations are most interesting to me. We have learned that the union, this very same union—although the president was not part of it at that time—had to be restrained in 1973 for destruction of property very similar to what has gone on here; for blocking access to the plant, very similar to the allegations that were made last February; for threatening those who wished to cross the picket line, very similar to what the allegations have been in this instance.

One of the pickets has a record of shooting cars, using the same type of weapon, a .22 rifle that apparently was used in the shootings of the vans.

Now, I believe that there has been a pattern and a practice of violence against the company. It began in 1973; it escalated and happened again in 1984; and it stopped when these investigations by this committee began, and it certainly stopped when the hearings began.

Now, I have heard no member of the committee condone violence, not anybody, although there has been some effort to justify what happened at Joppa.

I think anyone listening to the witnesses over the last 2 days of the hearings will have to agree that we have a problem of violence here that really is not being solved to anybody's satisfaction.

I just hope, by working together—Democrats, Republicans, liberals, conservatives—that we can develop an appropriate response to ensure that violence is no longer a part of our collective bargaining process. Now, that is what we have to do.

No union member should have to face violence, and certainly no company should have to face violence. I suggest that sometimes it is difficult to resolve these problems when the local police are friends of one side or the other, or the State police just have not been able to get in and solve the problem.

I suspect that it is an appropriate thing to have Federal authorities come in and stop picket line violence if nobody else is going to do it.

Now, I think there is at least some evidence here that the mere fact that this committee has investigated and held hearings on it,

has stopped a certain amount of the violence, whoever is committing it.

Both sides feel very strongly about this. The point is, whoever is doing the violence, we still ought to do something to stop it, and frankly, I don't see where there is a good record of the State authorities doing the job.

Now, I would hope that in future cases there will be. I am hopeful that the State police will be able to resolve problems, as undoubtedly they are going to happen in the future. But if they don't, then there ought to be a higher authority to come in and stop these things, because you shouldn't be afraid to live in your home or to be in your yard or to drive your car or to go to work if you want to go to work. You just shouldn't be afraid.

Mr. KING. I shouldn't be afraid to go to work, either, but I am.

The CHAIRMAN. Well, that is right, you shouldn't be.

Mr. KING. I am scared to go in there. I go in there every day because I've got to make a living.

The CHAIRMAN. I can understand that, and I think you have had courage to come here today and to testify as to your worries and your problems and what you and your wife have had to go through.

I don't think you should have to go through that. I don't care who is at fault here. I don't think you should have to go through that. Violence simply cannot be condoned, and if it isn't being taken care of by State and local authorities, then by damn, we ought to get the Federal authorities in there to do it.

Mr. KING. Everybody says they understand this, but there isn't any way you can understand this unless you go through this.

The CHAIRMAN. Well, you understand why we have held these hearings, then, don't you?

Mr. ANDERSON. We don't know that we are even being excused from working yesterday and today.

The CHAIRMAN. I see.

Mr. KING. I got my excuse.

The CHAIRMAN. Well, you can see why we are concerned, as members of this committee, about what is going on out there, and this isn't the only place that it happens. It has happened in a number of States, and it is happening right now in a number of States around this country.

There is a lot of acrimony when strikes occur, on both sides, and sometimes they cannot be resolved easily. Sometimes they never can be resolved, and each side has a right to stand up for that particular side's position, as long as they stay within the framework of the law.

I think that it is important that we continue to hold this hearing open so that if any further disasters or difficulties occur, this committee can act strongly and do what has to be done to get in there and help you folks so you don't have to put up with this any more.

With that, we are going to recess this committee until further notice, and we will keep the record open.

[Whereupon, at 1:19 p.m., the committee recessed, to reconvene at the call of the Chair.]

○